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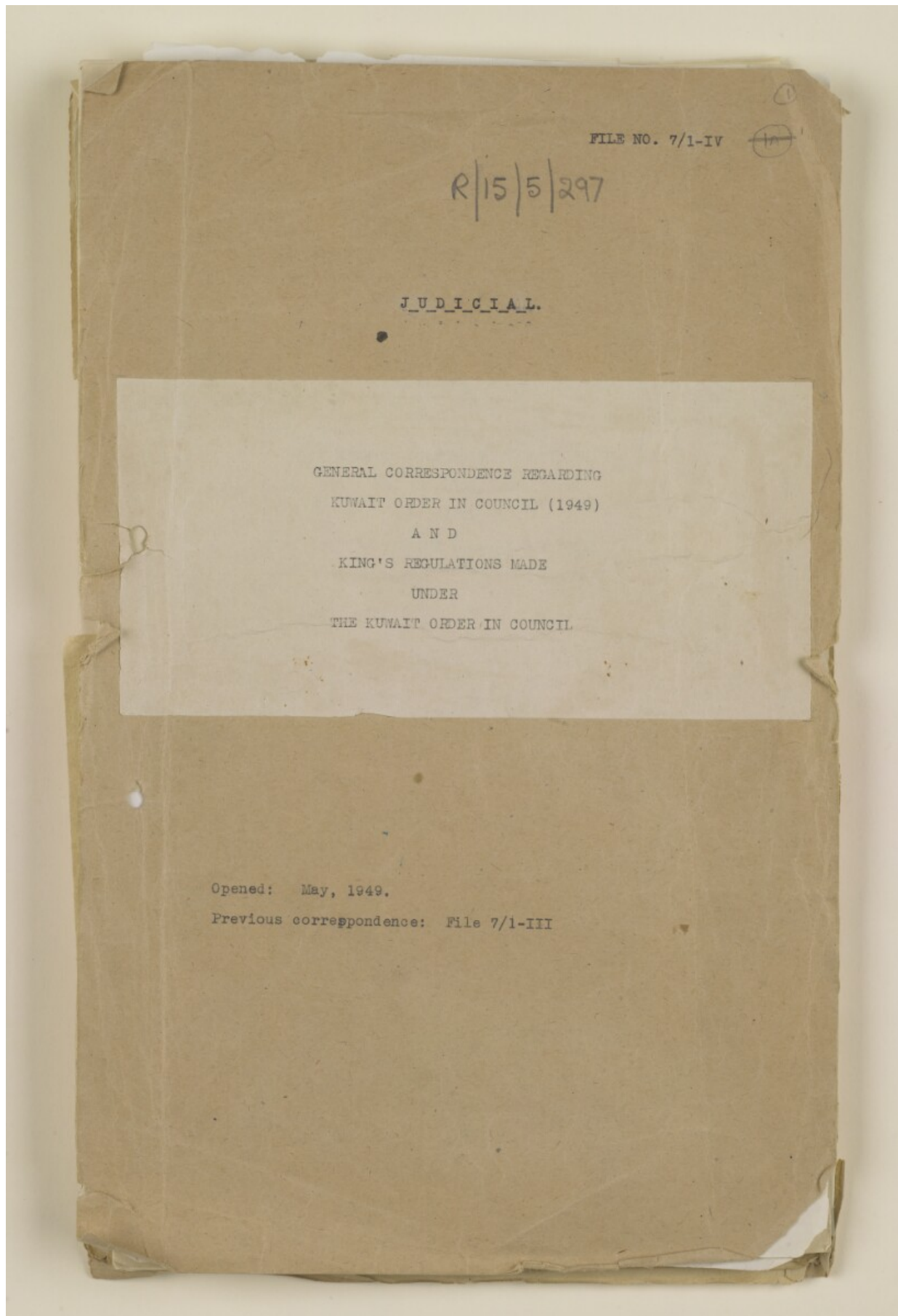
Reference	IOR/R/15/5/297
Title	'File 7/1 IV General correspondence regarding Kuwait Order in Council (1949) and King's Regulations made under the Kuwait Order in Council'
Date(s)	Mar 1949-25 Oct 1949 (CE, Gregorian)
Written in	English and Arabic in Latin and Arabic script
Extent and Format	1 file (118 folios)
Holding Institution	British Library: India Office Records and Private Papers
Copyright for document	Public Domain

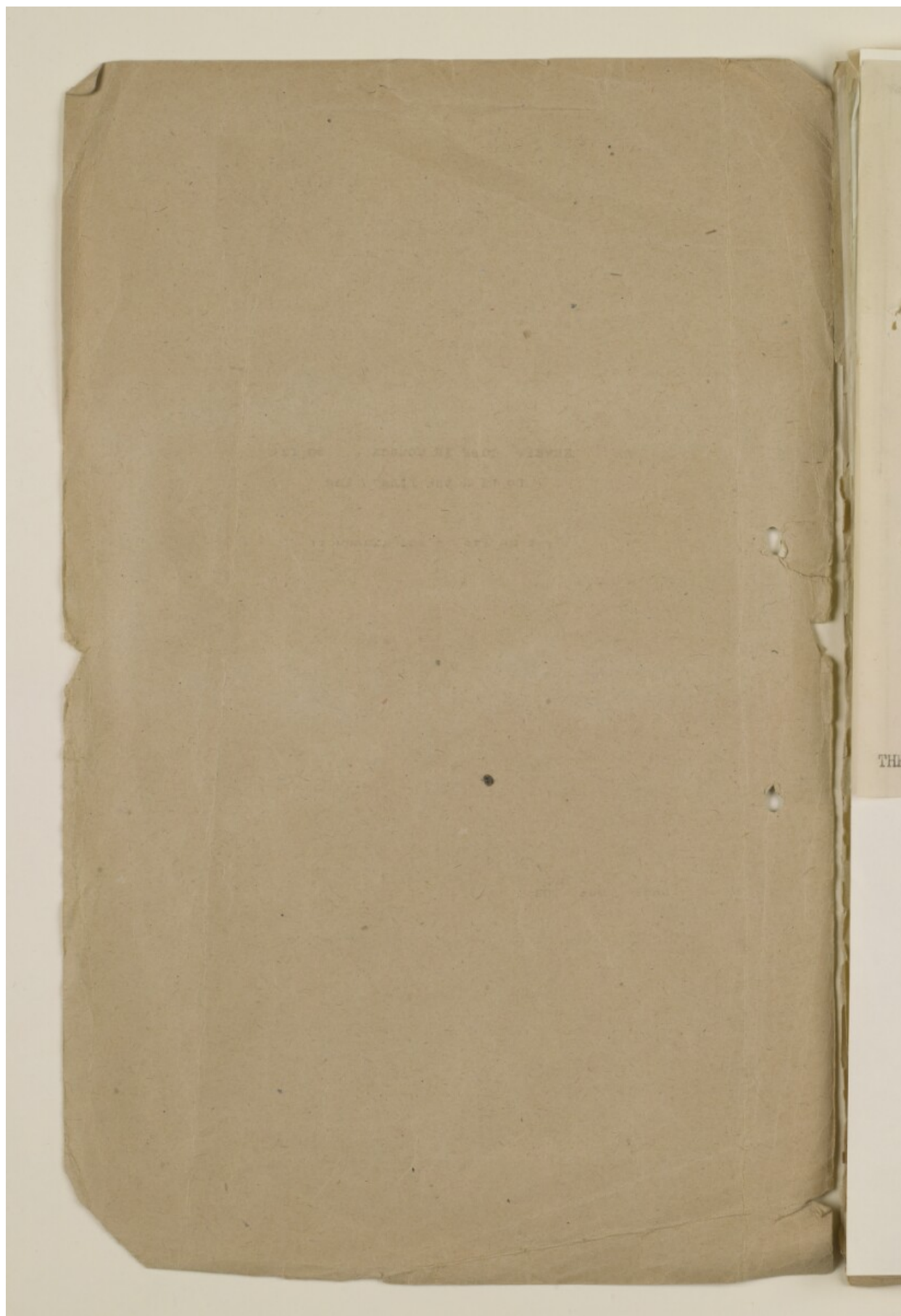
About this record

The file is concerned with general correspondence sent between the Kuwait Political Agent (Gordon Noel Jackson and Herbert George Jakins) and the Persian Gulf Political Resident (Sir Rupert Hay) respecting the Kuwait Order in Council. Topics covered include the status of Lebanese subjects in Kuwait, the lack of a definition in the Order in Council for a Kuwaiti corporation, and the effect of the Gulf States becoming British Protectorates. It is also concerned with the introduction of new King's Regulations for Kuwait: the *Kuwait Air Navigation Regulation, 1949* (see folios 93-7) and the *Kuwait Passport Regulations, 1949* (see folio 103 for a draft version). An annotated copy of the superseded *Kuwait Passport Regulation, 1947* can be found on folio 103.

In addition, the file also includes a letter from Charles Belgrave, Adviser to the Government of Bahrain, addressed to the Persian Gulf Political Resident, dated 7 November 1949. It is concerned with proposed measures to control migration into and out of Bahrain.

The 1949 reissues of Orders in Councils for the Gulf States are also included for the following: Kuwait (folios 17-29), Bahrain (folios 32-45), Muscat (folios 46-59), the Trucial States (folios 60-72), and Qatar (folios 73-85). The Arabic content consists of a single letter from the Kuwait Political Agent to the Shaikh of Bahrain — Shaikh Ahmed Al Jabir as Subah [Aḥmad al-Jābir Āl Ṣabāḥ] — forwarding copies of the *Kuwait Order in Council* (1949).







No.R/56/

THE POLITICAL AGENCY,
KUWAIT.

March, 1949.

Dear Residency,

We find that we have here only one much corrected copy of the Kuwait Order in Council received here in 1935.

2. We are required by article 92 (2) of the Order to sell copies in Kuwait and we have had requests for copies from the Kuwait Oil Company.

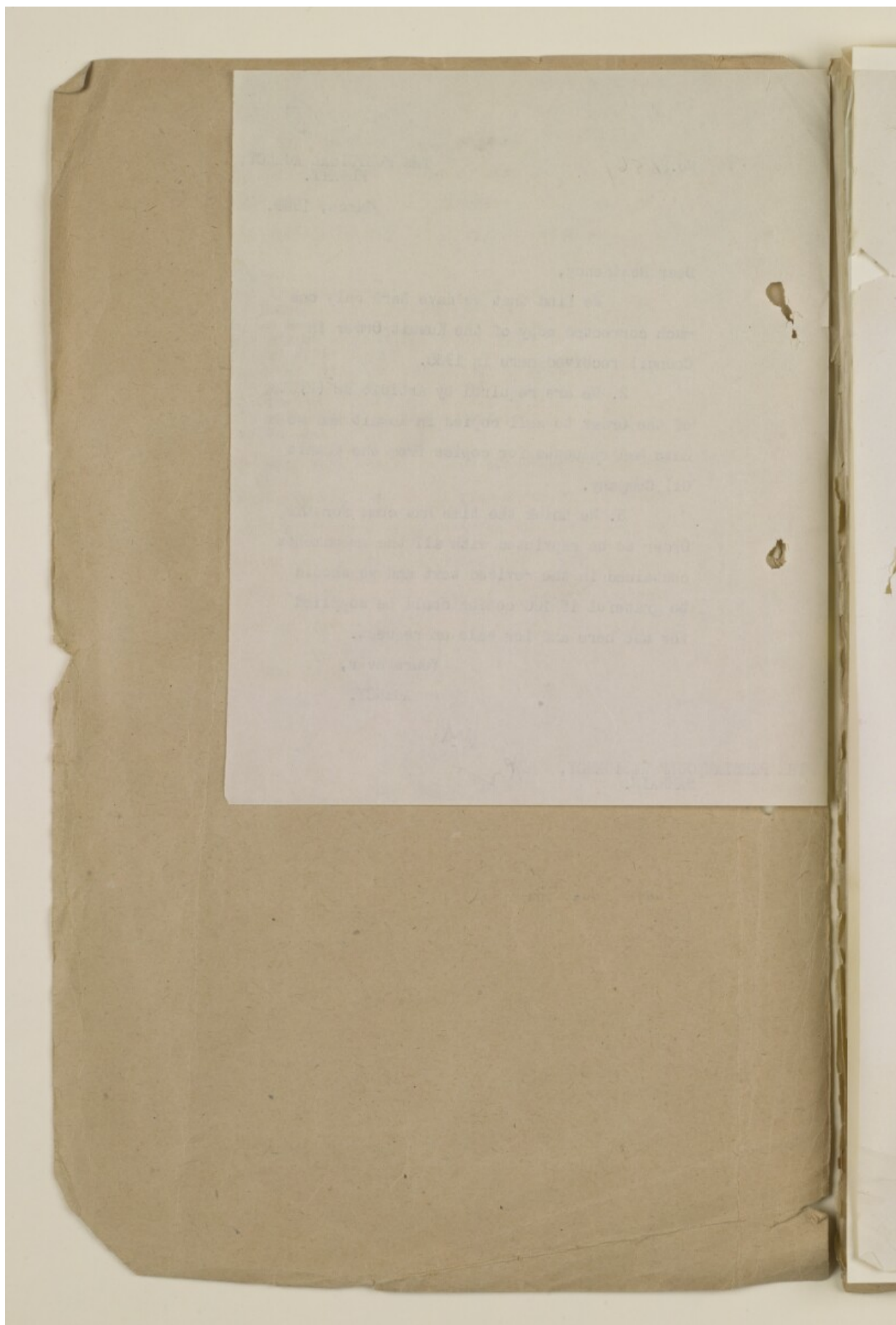
3. We think the time has come for the Order to be reprinted with all the amendments contained in the revised text and we should be grateful if 100 copies could be supplied for use here and for sale on request.

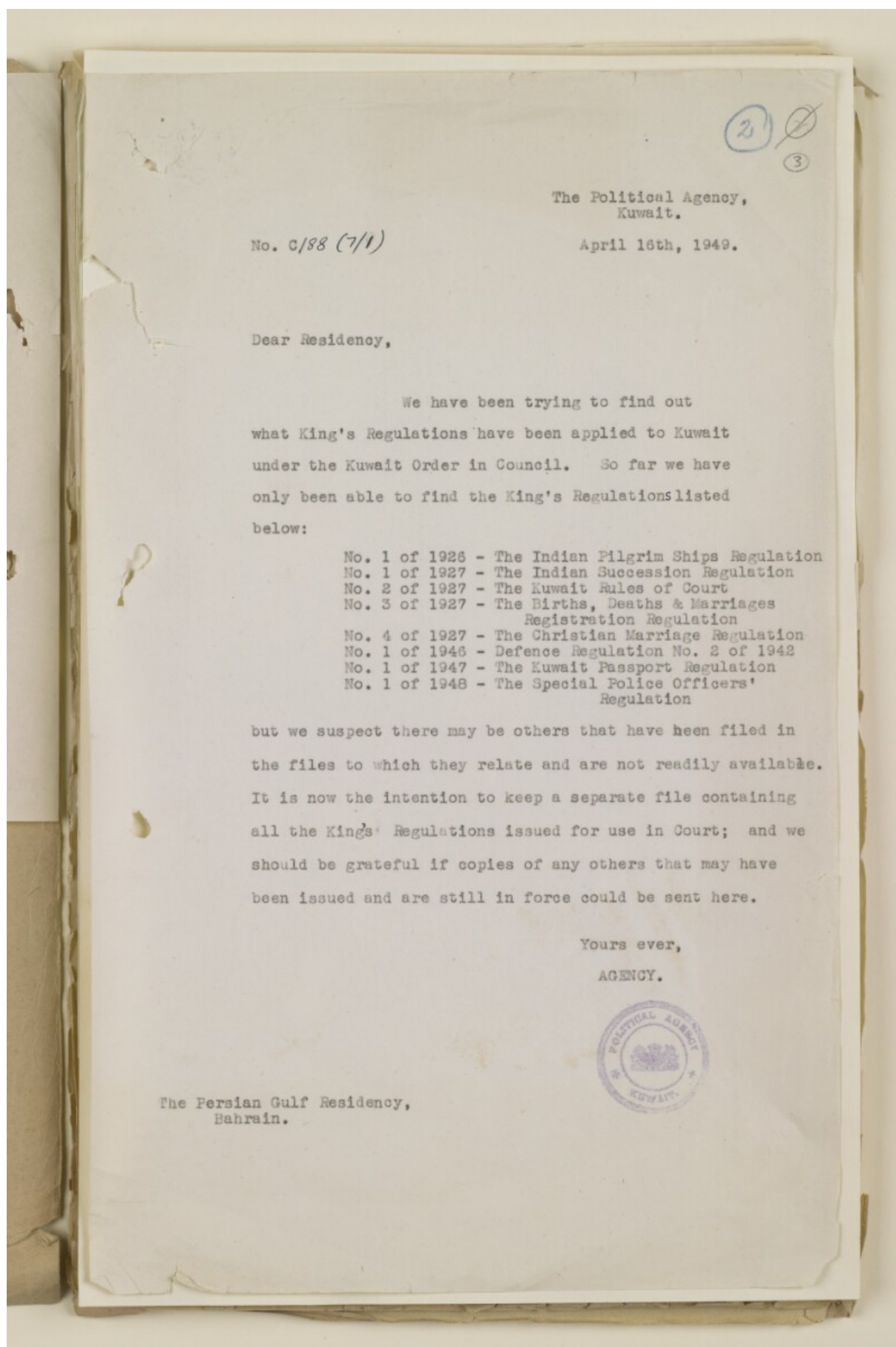
Yours ever,

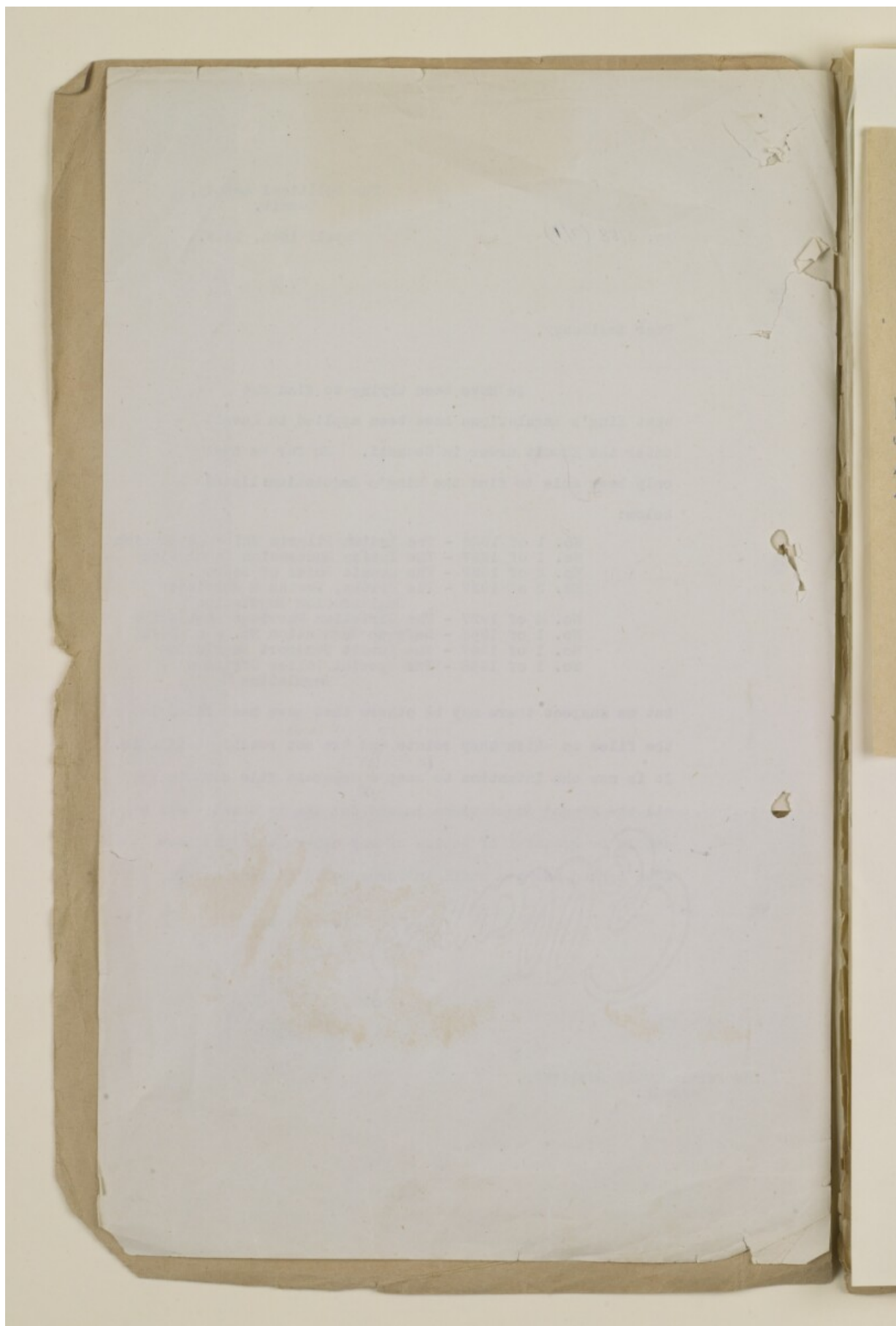
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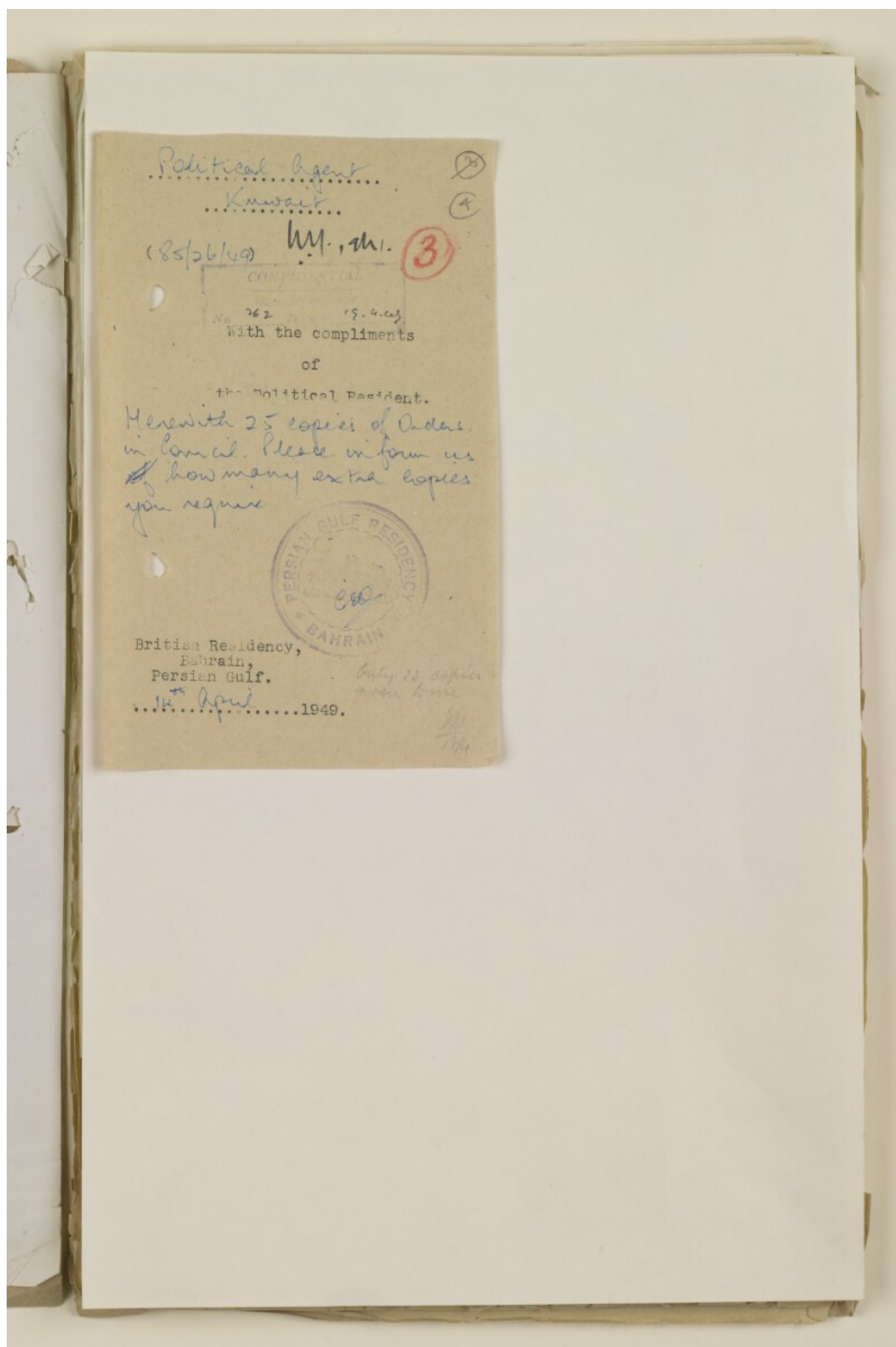
THE PERSIAN GULF RESIDENCY,
BAHRAIN.

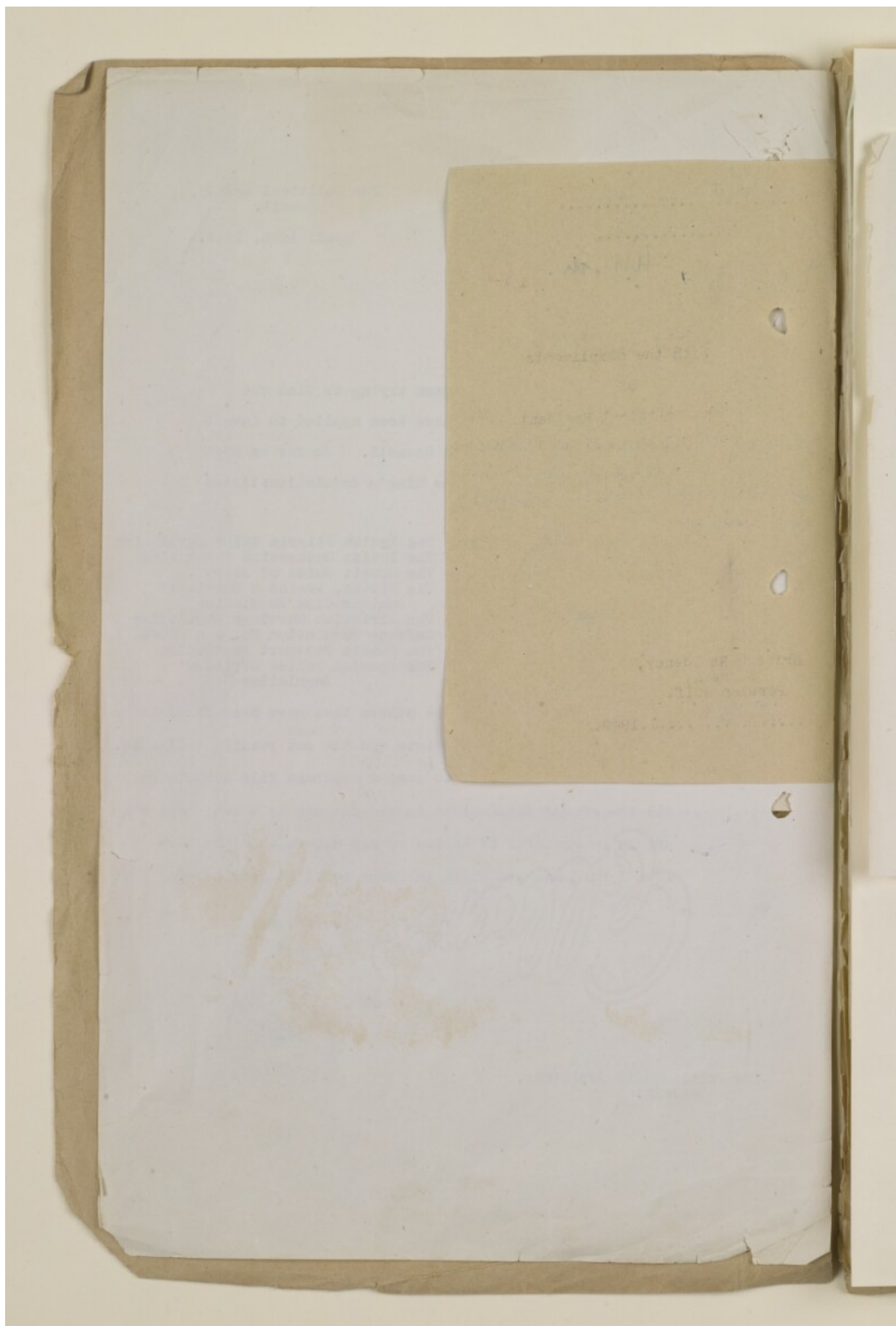


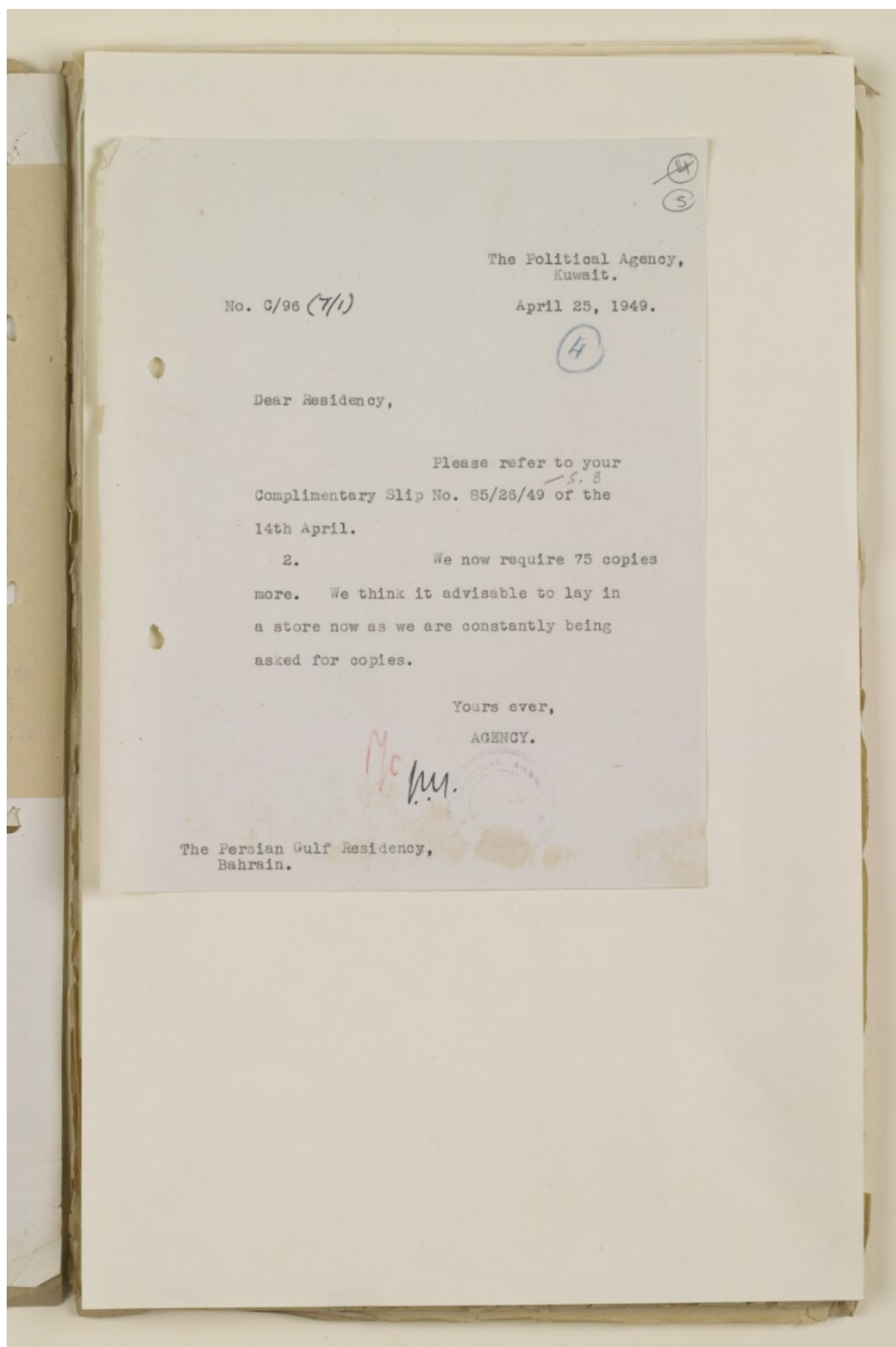


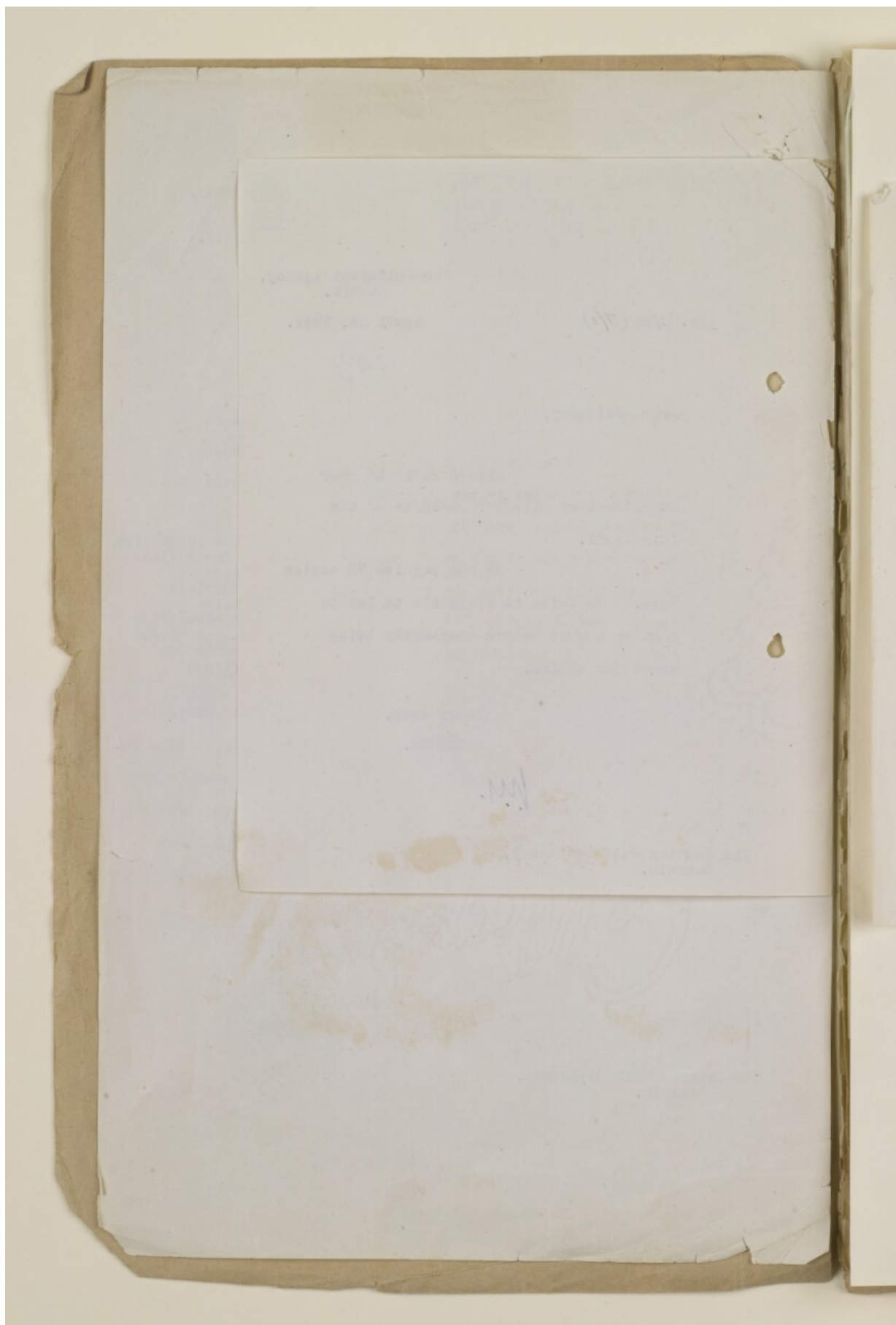


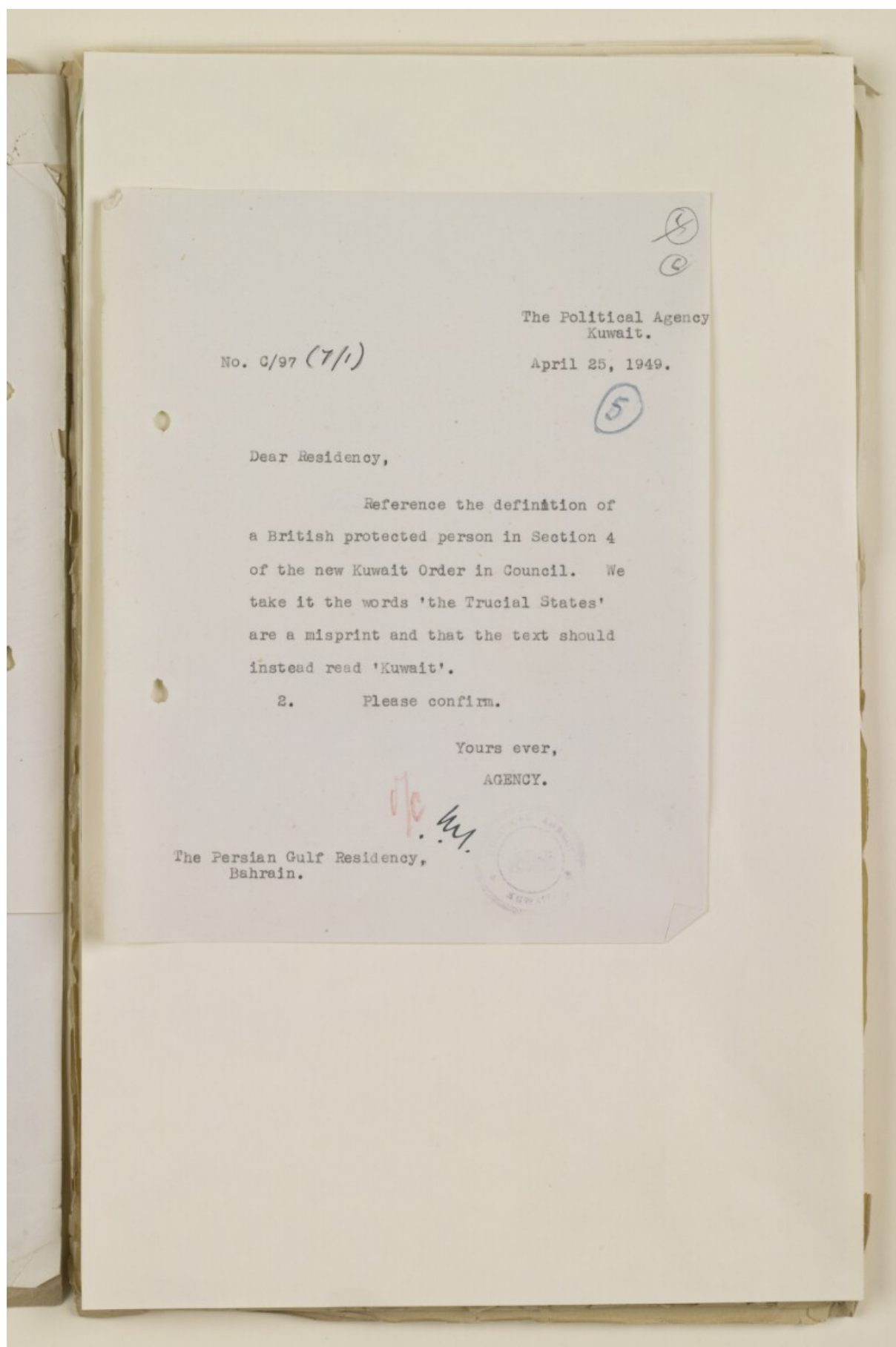


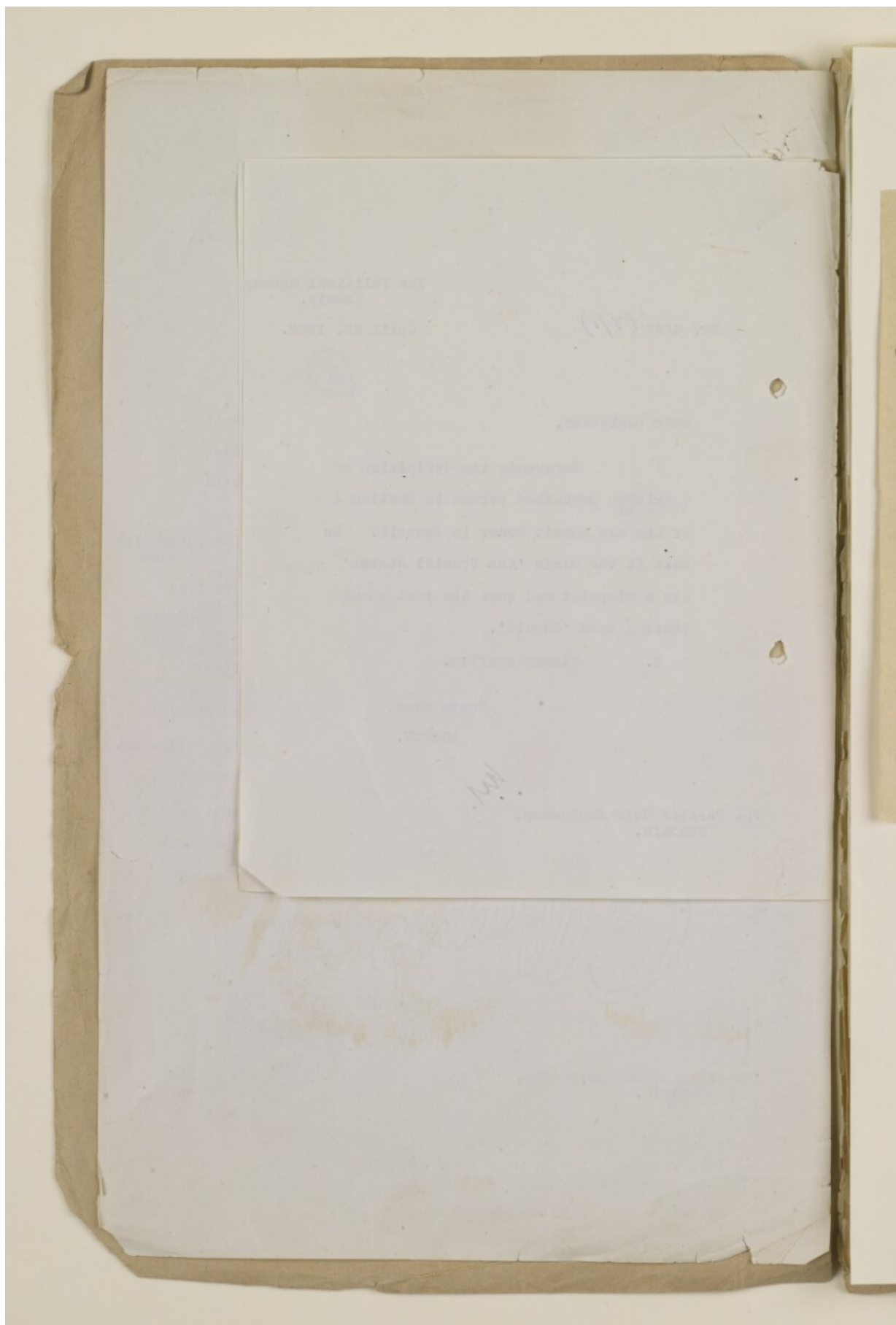


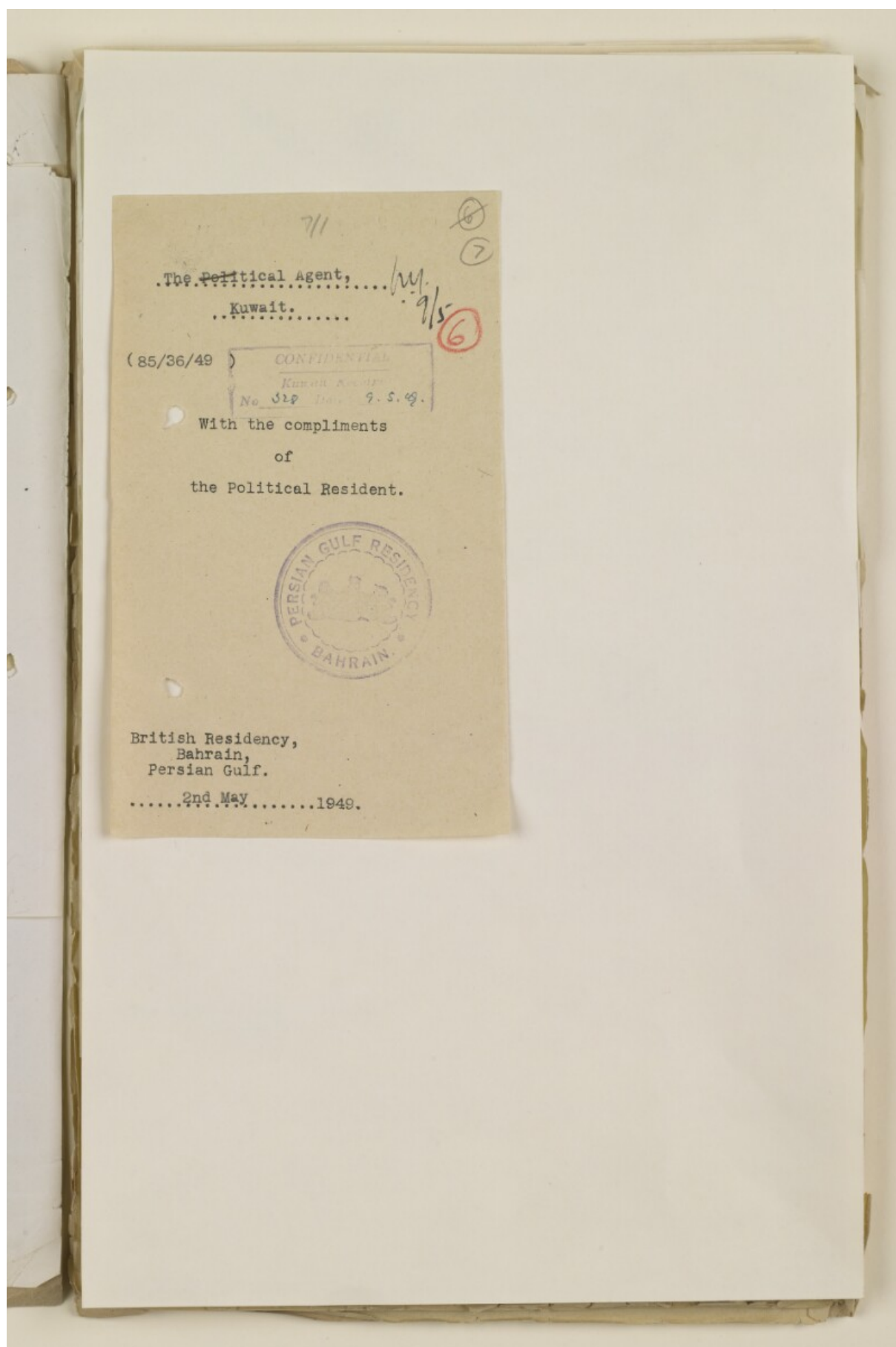


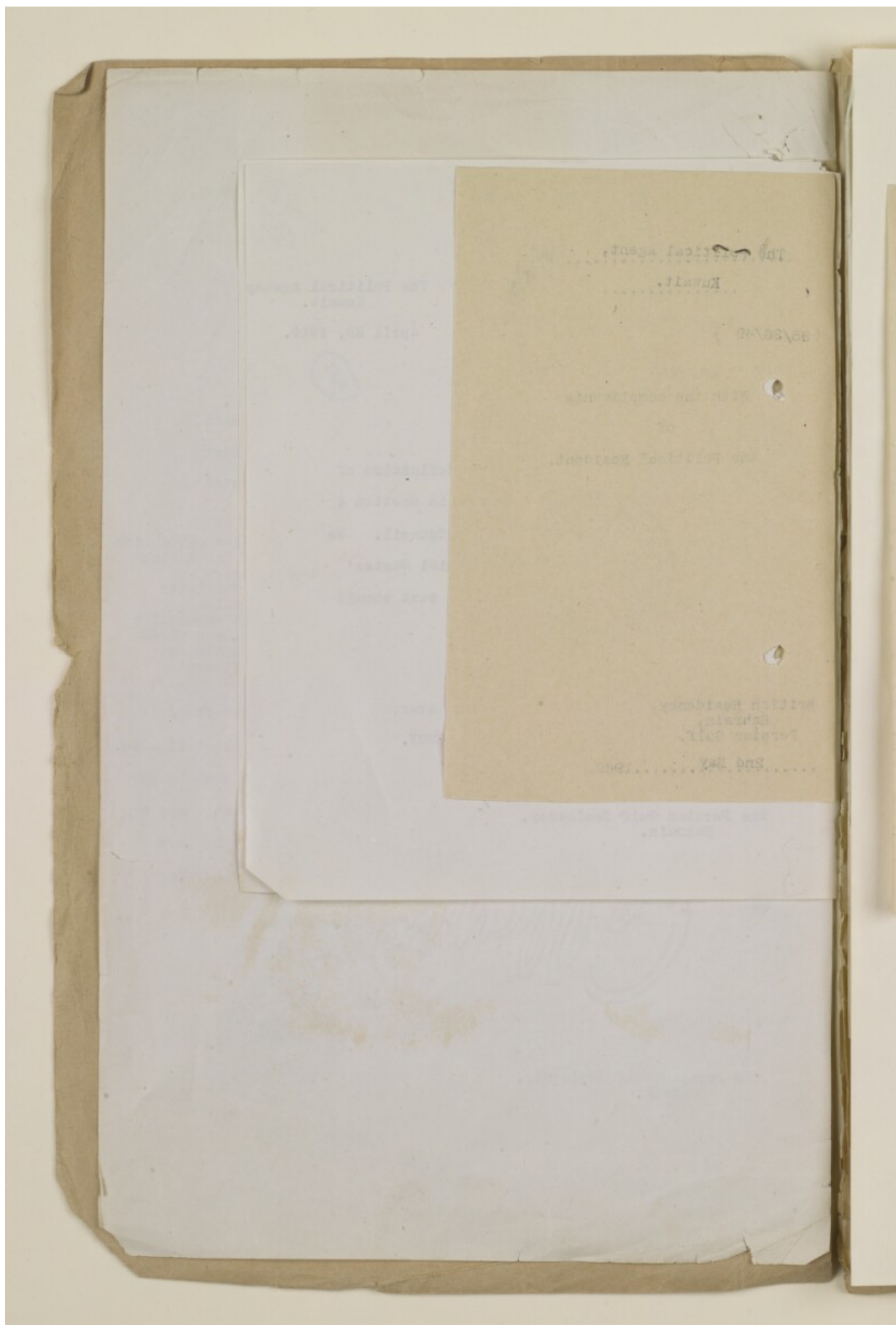


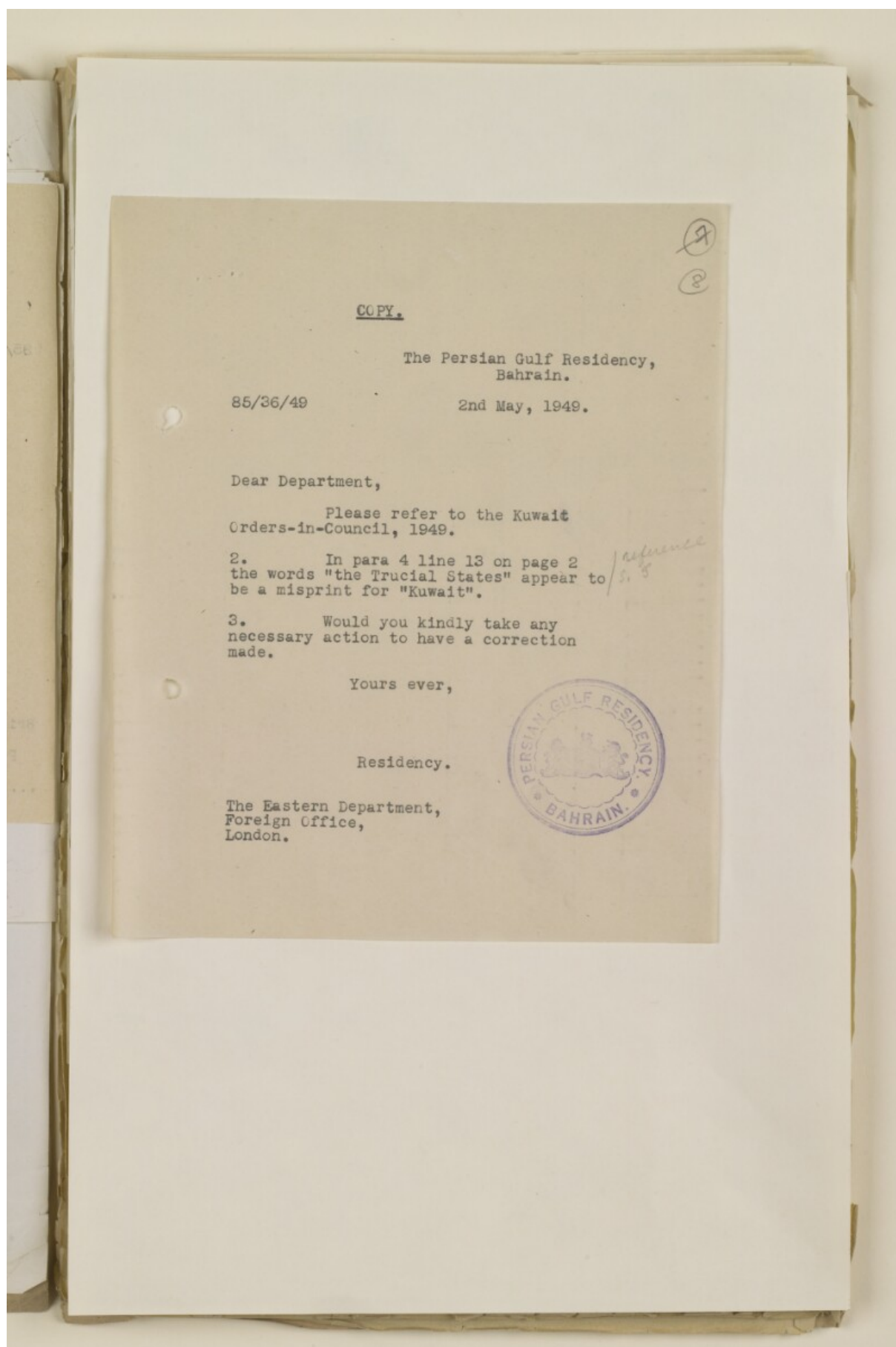












COPY.

The Persian Gulf Residency,
Bahrain.

85/36/49

2nd May, 1949.

Dear Department,

Please refer to the Kuwait
Orders-in-Council, 1949.

2. In para 4 line 13 on page 2
the words "the Trucial States" appear to
be a misprint for "Kuwait". *reference*

3. Would you kindly take any
necessary action to have a correction
made.

Yours ever,

Residency.

The Eastern Department,
Foreign Office,
London.





20

88/36/42

2nd May, 1949.

The Persian Gulf Residency,
Bahrain.

Dear Department,

Please refer to the Kuwaiti
Orders-in-Council, 1948.

In para 4 line 13 on page 2
the words "the Trucial States" appear to
be a misprint for "Kuwait".

Would you kindly take any
necessary action to have a correction
made.

Yours ever,

Residency.

The Eastern Department,
Foreign Office,
London.

20



No. C/111 (7/1)

The Political Agency,

Kuwait.

May 8, 1949 .

Dear Residency,

Reference definition of " Kuwait subject " and " Foreigner " in Article 4 of the Kuwait Order in Council.

We should be glad to be informed whether Lebanese subjects are to be regarded as subjects of a Moslem State, and therefore as Kuwait subjects within the meaning of the Order in Council, or as Foreigners.

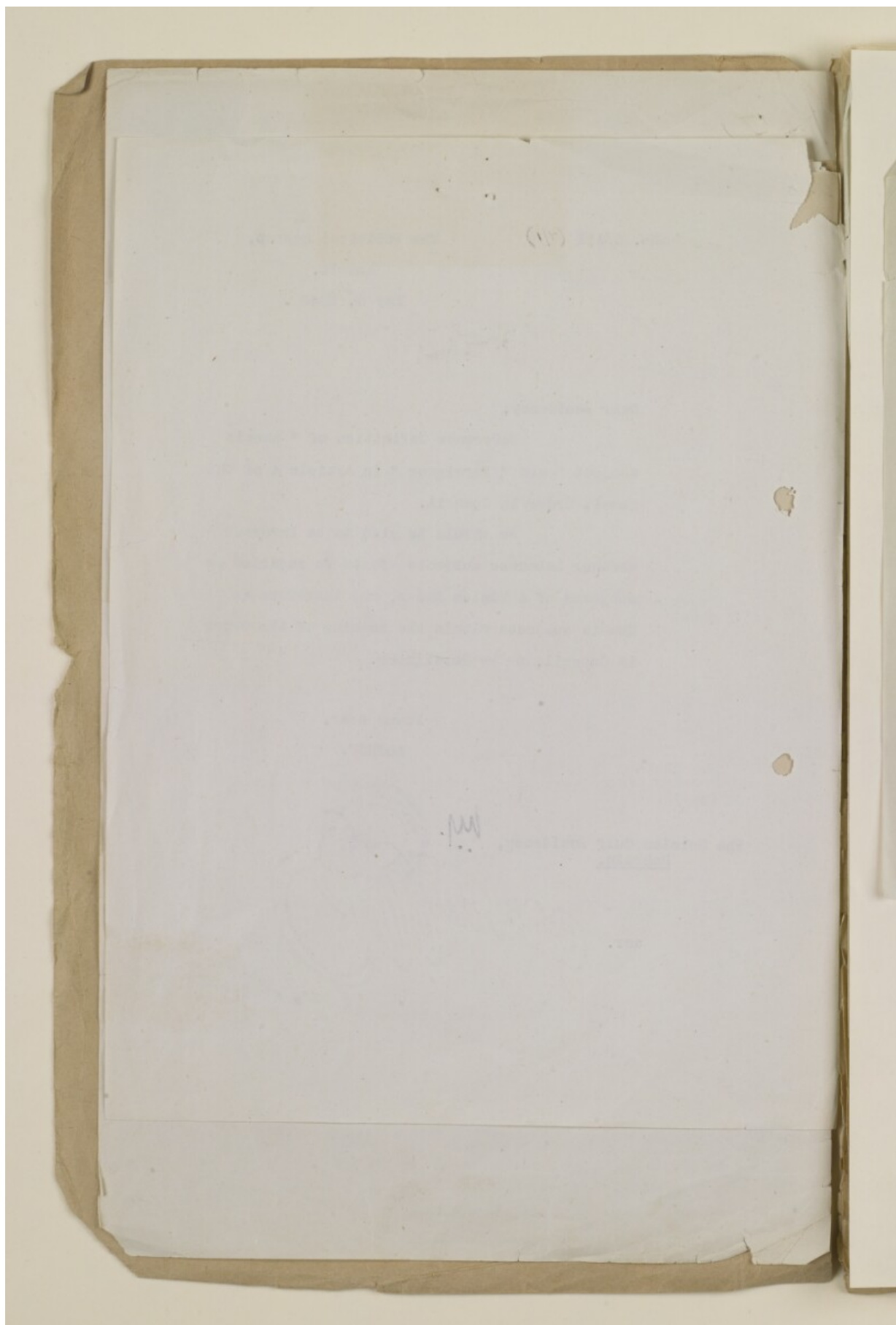
Yours ever,

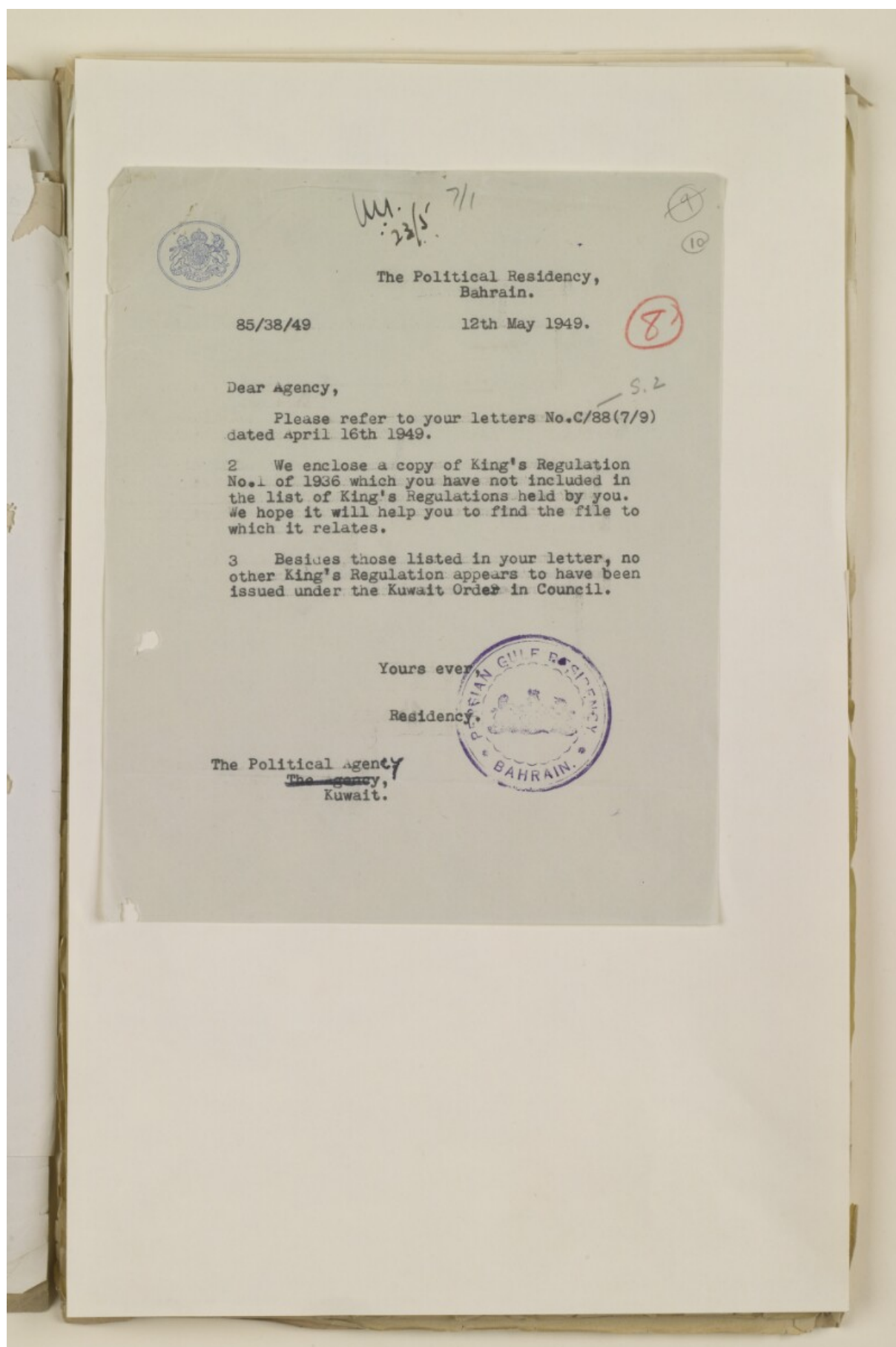
AGENCY.

The Persian Gulf Residency,
Bahrain.



asr.





The Political Residency,
Bahrain.

85/38/49

12th May 1949.

(8)

(10)

Dear Agency,

Please refer to your letters No.C/88(7/9)
dated April 16th 1949.

2 We enclose a copy of King's Regulation
No.1 of 1936 which you have not included in
the list of King's Regulations held by you.
We hope it will help you to find the file to
which it relates.

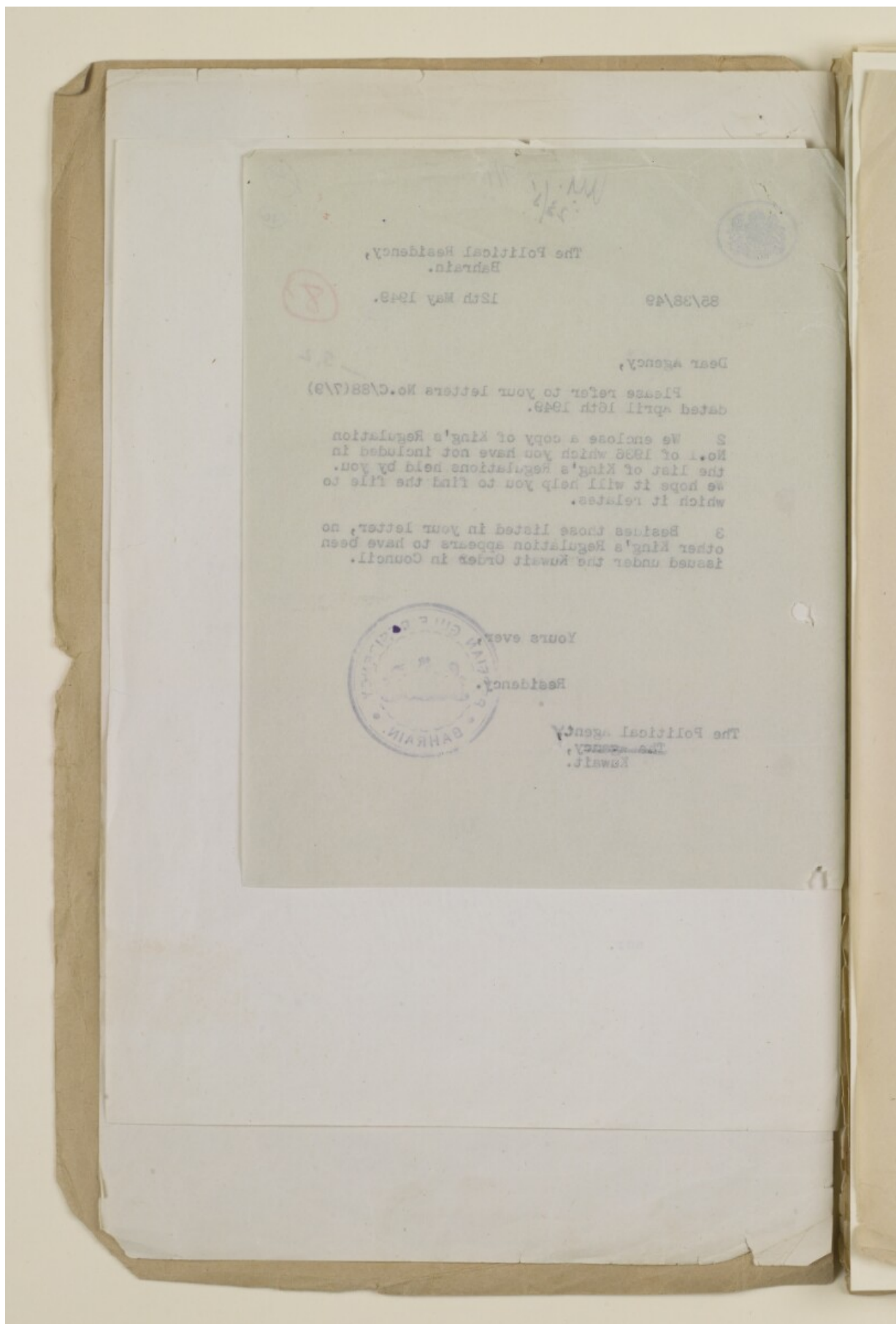
3 Besides those listed in your letter, no
other King's Regulation appears to have been
issued under the Kuwait Order in Council.

Yours ever

Residency.

The Political Agency
~~The Agency,~~
Kuwait.







COPY

KUWAIT

Notice.

The following Regulation, made by the Political Resident in the Persian Gulf and allowed by His Majesty's Principal Secretary of State for Foreign Affairs, is published for general information.

T.C. Fowle, Lieut-Colonel,
Political Resident in the Persian Gulf.

Bushire, May 22, 1936.

KING'S REGULATION UNDER ARTICLE 83 OF "KUWAIT ORDER
IN COUNCIL, 1935". (1935)

No. 1 of 1936.

1. Within the limits of "The Kuwait Order in Council, 1935", the Air Navigation Regulations for civil aircraft made by His Excellency the Shaikh of Kuwait, a copy of which is annexed hereto, shall be binding on the persons specified in articles 8(1), (i), (ii), and (iii) of the said Order.
2. Any person found guilty of an offence against the said Regulations shall, in accordance with article 84 (2) and (3) of the said Order, on conviction be liable to a fine not exceeding 1,500 rupees and, in default, to simple imprisonment not exceeding three months; and any goods, receptacles or things (including aircraft) in relation to which the offence has been committed, shall, in accordance with article 84(1) of the said Order, be liable to forfeiture.
3. This Regulation may be cited as "The Kuwait Air Navigation Regulation, 1936".

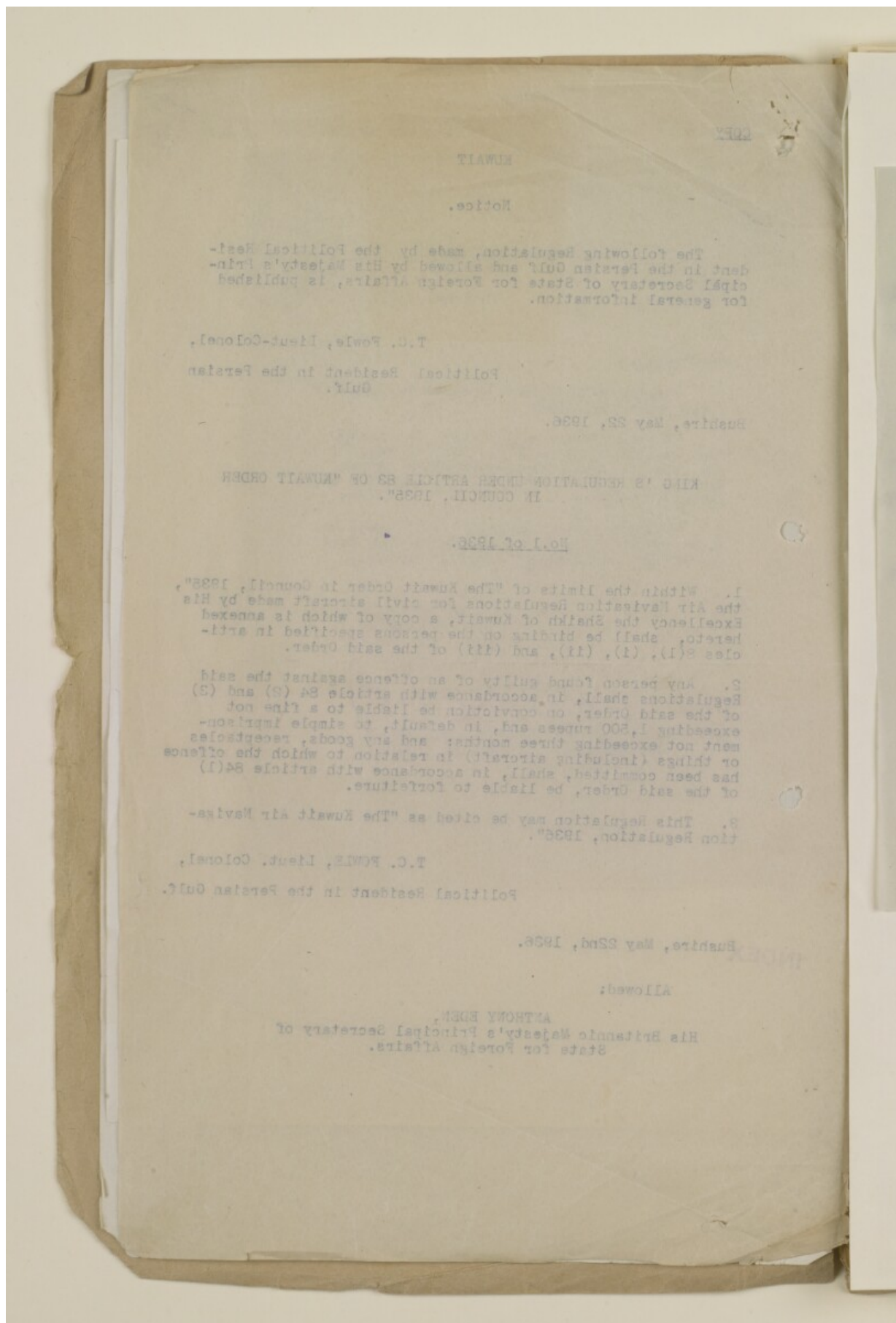
T.C. FOWLE, Lieut. Colonel,
Political Resident in the Persian Gulf.

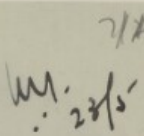
Bushire, May 22nd, 1936.

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Allowed:

ANTHONY EDEN,
His Britannic Majesty's Principal Secretary of
State for Foreign Affairs.





17th May, 1949.

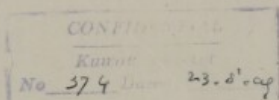
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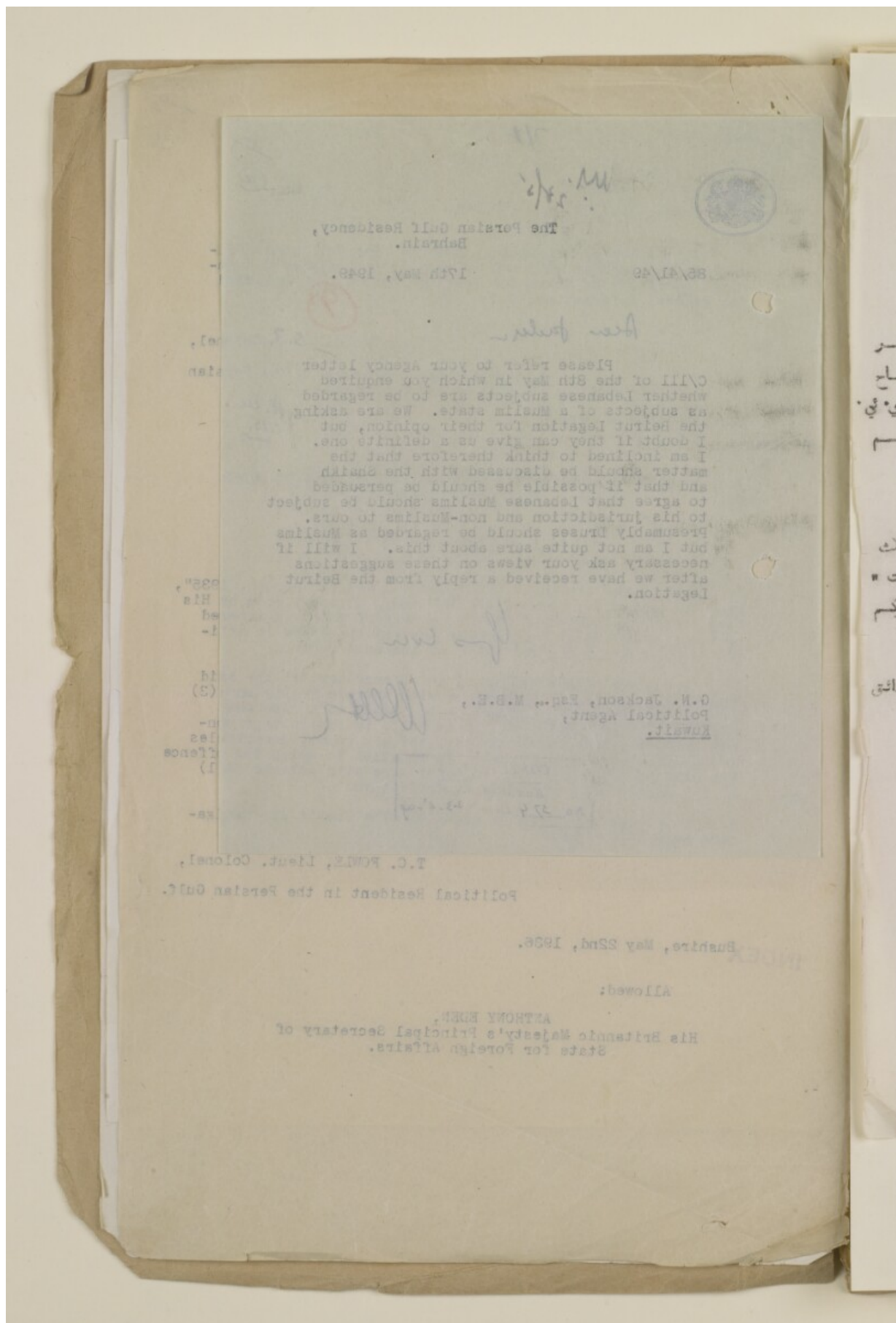
S. 7

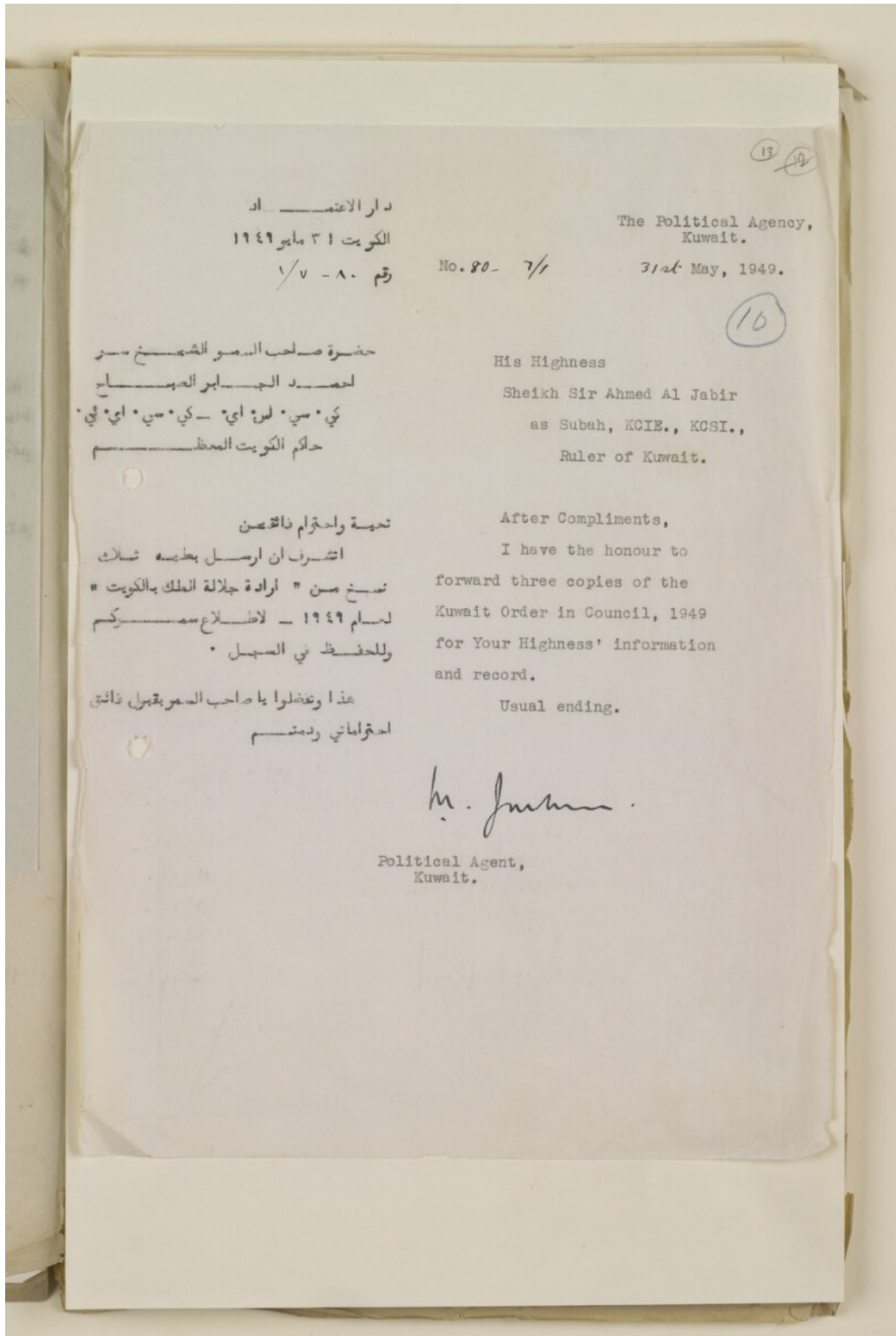
Yes even

G.N. Jackson, Esq., M.B.E.,
Political Agent,
Kuwait.

Allen







دار الاعتمــاد
الكويت ٣١ مايو ١٩٤٩
رقم ٨٠ - ٧/١

The Political Agency,
Kuwait.

31st May, 1949.

No. 80- 7/1

حضرة صاحب السمو الشيخ
الحمد الجابر الصباح
كي. سي. لور. اي. - كي. سي. اي. في
حاكم الكويت المعظم

His Highness

Sheikh Sir Ahmed Al Jabir

as Subah, KCIE., KCSI.,

Ruler of Kuwait.

تحية واحترام ذاتكم

After Compliments,

اتشرف ان ارسل بطيخة ثلاث
نسخ من " ارادة جلالة الملك بالكويت "
لشاه ١٩٤٩ - لاطلاع سموكم
وللحفظ في السجل .

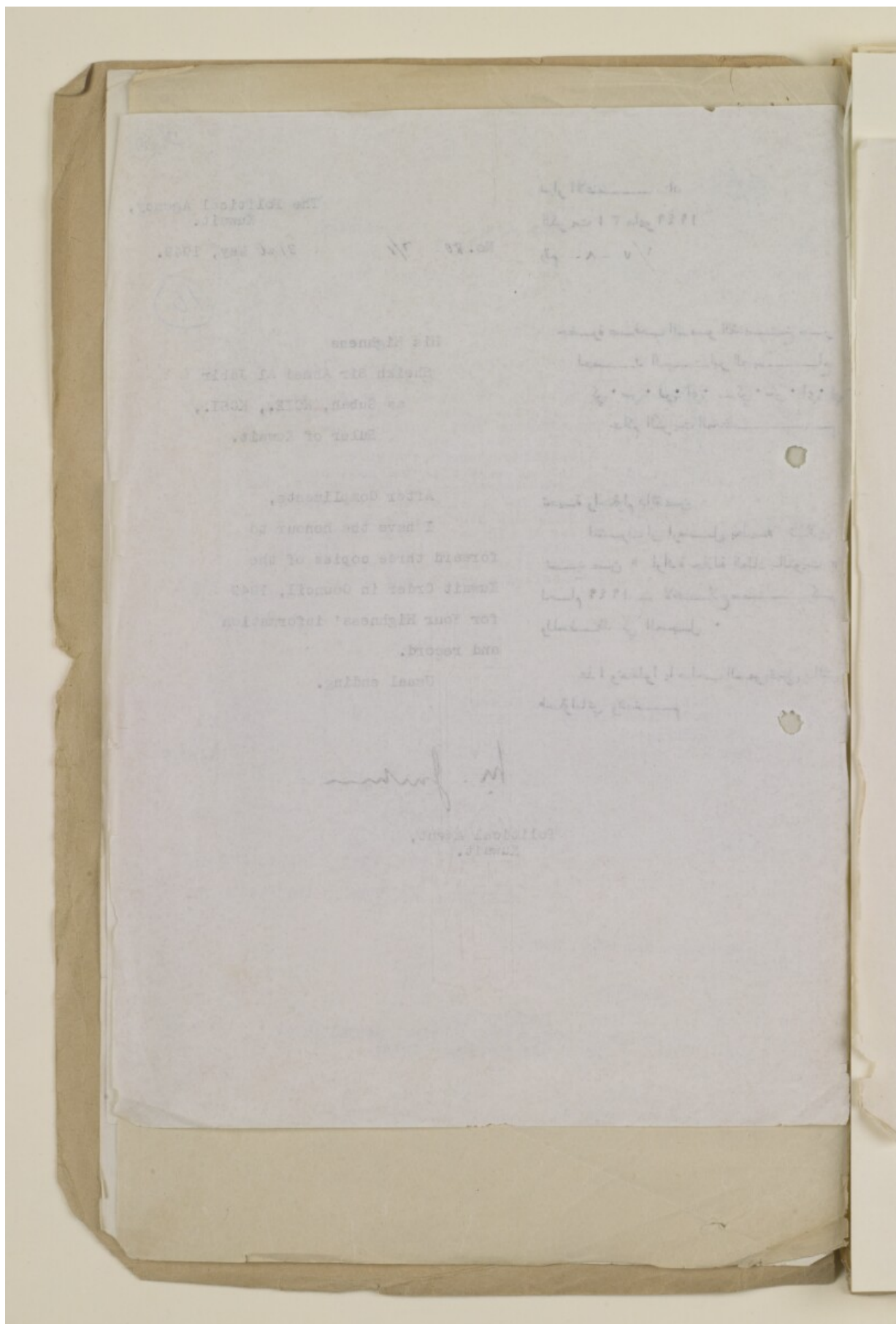
I have the honour to
forward three copies of the
Kuwait Order in Council, 1949
for Your Highness' information
and record.

Usual ending.

هذا وتفضلوا يا صاحب السمو بتقبل ذاتي
احترامي ودمتم

h. J. J.

Political Agent,
Kuwait.





No. C/134(7/1)

The Political Agent,
Kuwait.

June 2, 1949.

Dear Residency,

We should be grateful if we could be supplied with one copy each of the Orders-in-Council of 1949 as applied to the other Arab States of the Persian Gulf for study and for reference in this Agency.

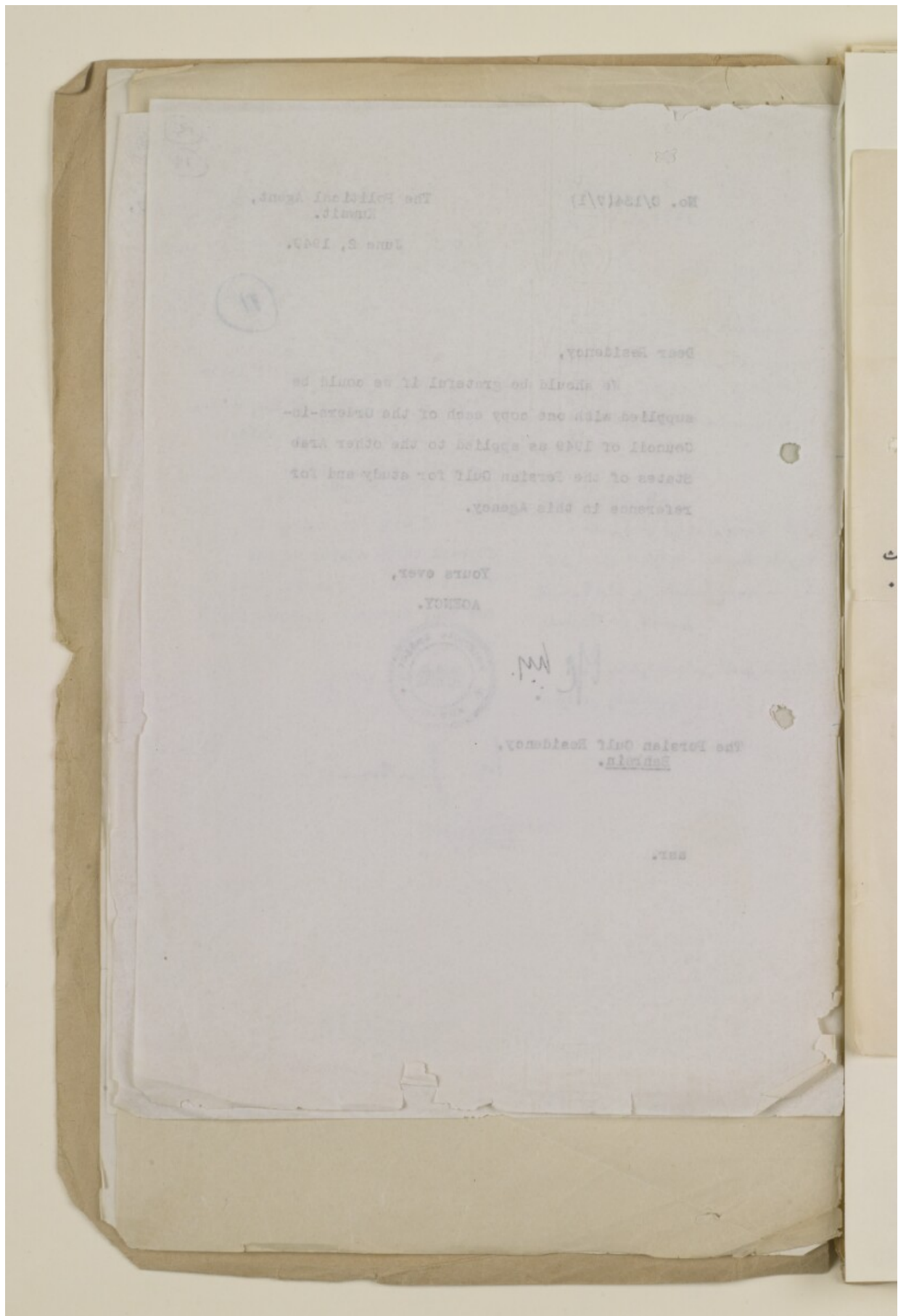
Yours ever,
AGENCY.

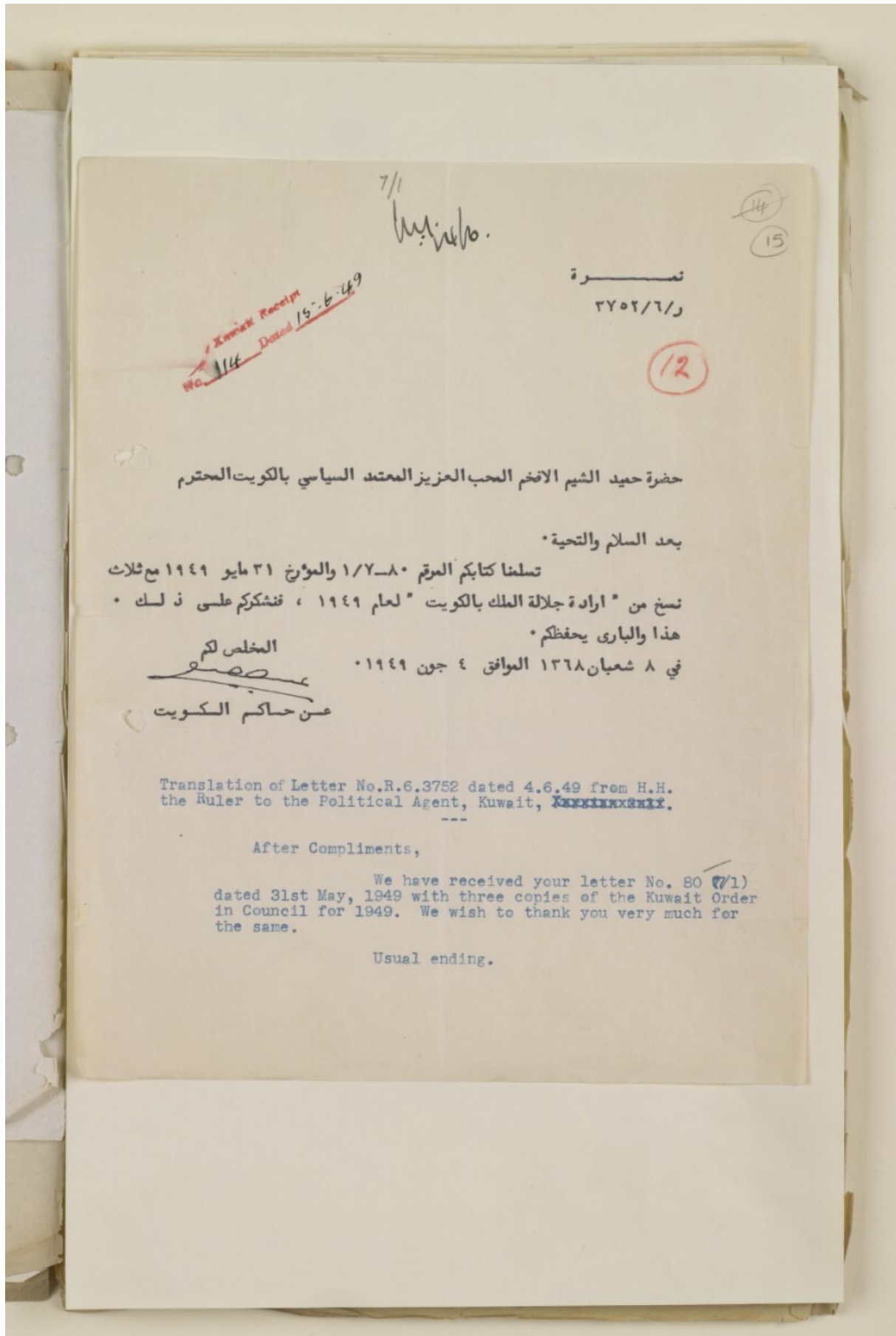
Mc hy.

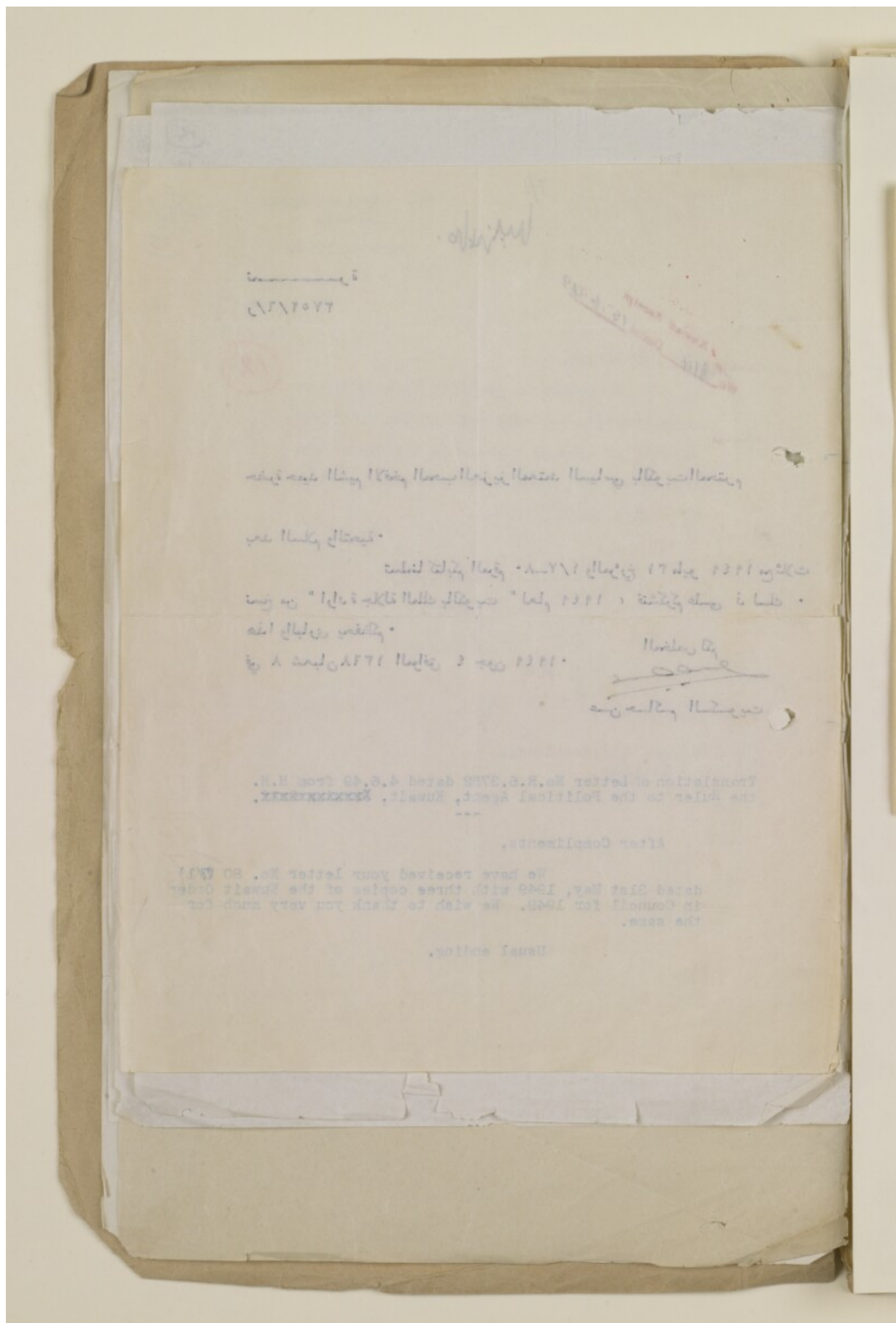


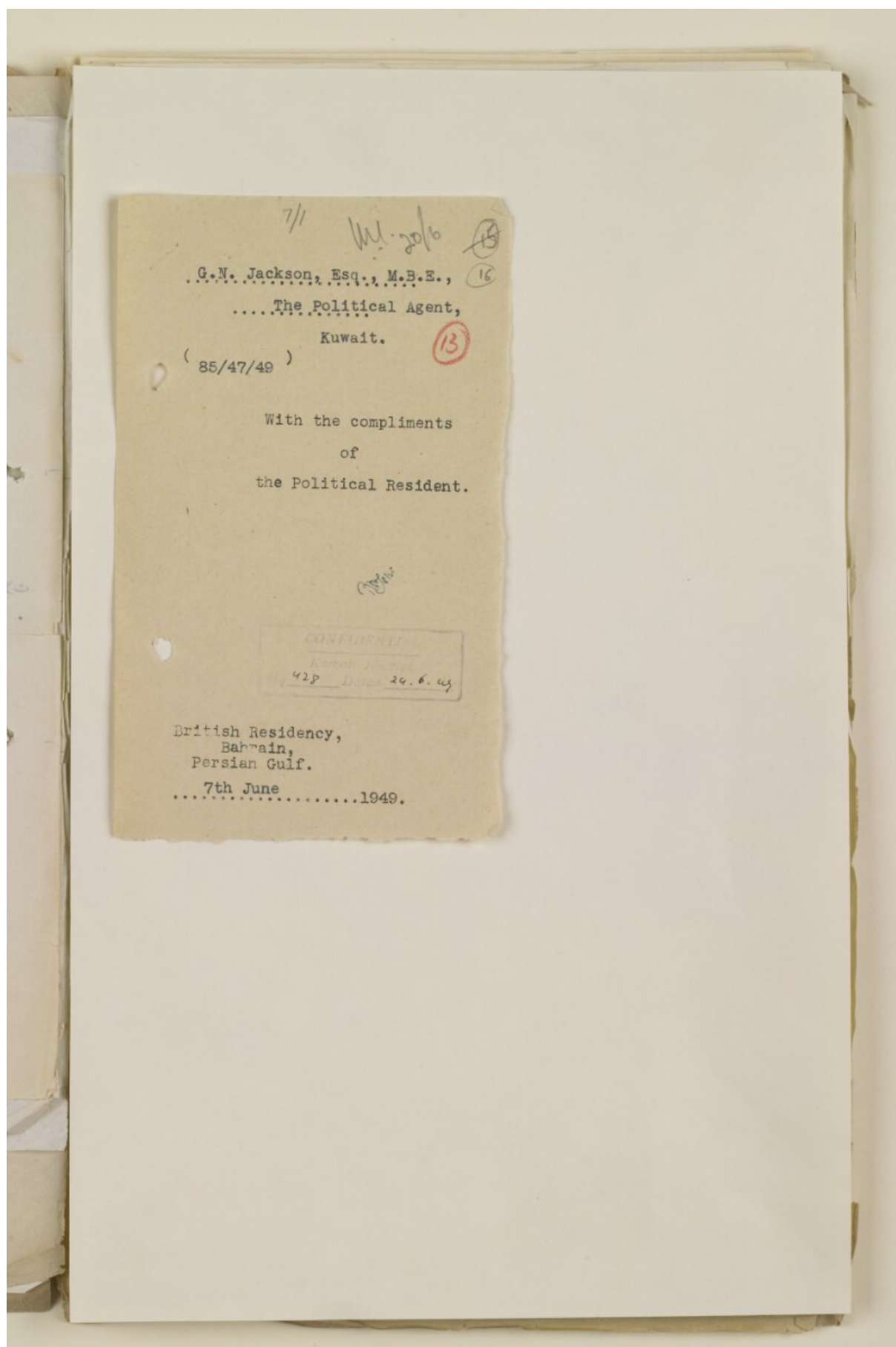
The Persian Gulf Residency,
Bahrain.

asr.









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Kuwait. 13
(85/47/49)

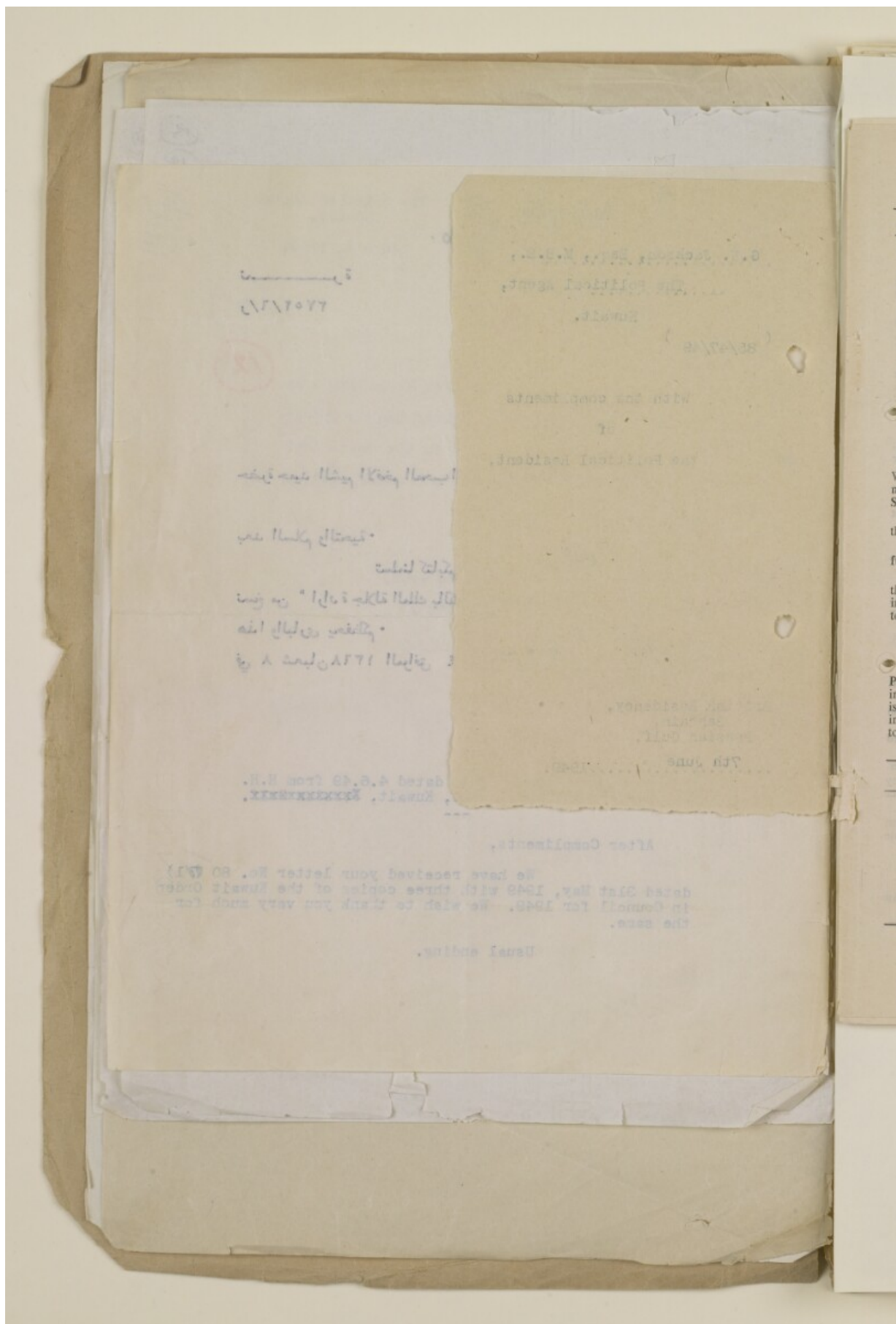
With the compliments
of
the Political Resident.

CONFIDENTIAL
Kuwait Order in Council
42p Date 24.6.49

British Residency,
Bahrain,
Persian Gulf.
7th June.....1949.



'File 7/1 IV General correspondence regarding Kuwait Order in Council (1949) and King's Regulations made under the Kuwait Order in Council' [16v] (32/240)





STATUTORY INSTRUMENTS

1949 No. 593

FOREIGN JURISDICTION

KUWAIT

The Kuwait Order in Council, 1949

Made - - - - 29th March, 1949
Laid before Parliament 30th March, 1949
Coming into Operation 12th April, 1949

At the Court at Buckingham Palace, the 29th day of March, 1949

Present

The King's Most Excellent Majesty in Council

Whereas by Treaty, capitulation, grant, usage, sufferance, and other lawful means His Majesty the King has jurisdiction within the territories of the Sheikh of Kuwait:

And Whereas provision was made for the exercise of such jurisdiction by the Kuwait Order in Council, 1935(a);

And Whereas it is expedient to repeal the said Order in Council and make further provision for the existence of the said jurisdiction;

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1890 and 1913(b), or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

PART I.—PRELIMINARY AND GENERAL

1. This Order may be cited as the Kuwait Order in Council, 1949.
2. The limits of this Order are Kuwait and the coast and islands of the Persian Gulf, being within the territories of the ruling Sheikh of Kuwait, including the territorial waters of Kuwait adjacent to the said coast and islands, and all other territories, islands, and islets which may be included in the territories and be the possessions of the ruling Sheikh of Kuwait together with their territorial waters.

3. This Order is divided into parts as follows:—

Parts.	Subject.	Articles.
I.	Preliminary and General	1-10
II.	Law to be applied	11-15
III.	Courts	16
IV.	Criminal Matters	17-39
V.	Civil Matters	40-52
VI.	Mixed Cases: Kuwait Subjects and Persons Subject to this Order.	53-59
VII.	Registration	60-75
VIII.	Miscellaneous Provisions	76-94
	Schedule.	

(a) S.R. & O. 1935 (No. 283) p. 490.

(b) 53 & 54 Vict. c. 37 and 3 & 4 Geo. 5, c. 16.



4. In the construction of this Order and of any Rules, Regulations or Orders made thereunder the following words and expressions have the meaning hereby assigned to them, unless there be something in the subject or context repugnant thereto, that is to say:—

"Administration" means letters of administration, including the same with will annexed, or granted for special or limited purposes, or limited in duration.

"British aircraft" means an aircraft registered in any part of His Majesty's dominions, protectorates or protected states, other than Kuwait, Bahrein and Qatar, and the Trucial States or in any mandated territory or trust territory.

"British protected person" means a person other than a corporation properly enjoying His Majesty's protection in the Trucial States but does not include—

- (i) a person who has the status of a British subject under the British Nationality Act, 1948;
- (ii) foreigners subject to this Order under Article 8 (1) (a) (ii) thereof;
- (iii) Kuwait subjects who are persons subject to this Order under Article 8 (1) (a) (iii) thereof.

"British ship" means a merchant ship, being a British ship within the meaning of the Merchant Shipping Act, 1894(c), and, except where the context otherwise requires, includes a ship belonging to any British subject as herein defined.

"British subject" means and includes—

- (1) any person who has the status of a British subject under the British Nationality Act, 1948;
- (2) British protected persons;
- (3) any corporation incorporated under the law of any part of His Majesty's dominions, protectorates or protected states or of any mandated territory or trust territory.

"Court of the Political Agent" means the Court established by Article 16.

"Chief Court" means the Court established by Article 16.

"Full Court" means the Court established by Article 16.

"The Court" means the Court of the Political Agent or the Chief Court or the Full Court.

"Foreigner" means any person (including a corporation) not a British or Kuwait subject.

"Imprisonment" means imprisonment of either description as defined in the Indian Penal Code.

"Kuwait" includes all places and waters within the limits of this Order.

"Kuwait subject" means a subject of the Sheikh of Kuwait and any person, not being a British subject, who is the national of any other Moslem state.

"Mandated territory" means a territory administered by the government of any part of His Majesty's dominions in accordance with a mandate from the League of Nations.

"Month" means calendar month.

"Oath" or "Affidavit" includes affirmation or declaration.

"Offence" means any act or omission made punishable by any law for the time being in force.

(c) 57 & 58 Vict. c. 60.



"Person" includes corporation.

"Political Agent" means His Majesty's Agent at Kuwait, appointed by the Secretary of State including a person acting temporarily with the approval of the Secretary of State for such Political Agent or his representative.

"Political Agency" means the Office, Residence, Court or other appointed place of business of the Political Agent.

"Political Resident" means His Majesty's Political Resident in the Persian Gulf, including a person acting temporarily with the approval of the Secretary of State for such Political Resident.

"Qazi" means any official Qazi appointed by the Sheikh of Kuwait and accepted by the Political Agent.

"Rules of Court" means rules of Court made under the provisions of this Order.

"Secretary of State" means one of His Majesty's Principal Secretaries of State.

"Sheikh of Kuwait," hereinafter called "The Sheikh," means the ruling Sheikh of Kuwait, or his duly accredited representative for the time being.

"Ship" includes any vessel used in navigation, however propelled, with her tackle, furniture, and apparel, and any boat or other craft.

"Treaty" includes any capitulations, convention, agreement or arrangement made by or on behalf of His Majesty with any State or Government, King, Chief, people, or tribe, or to the benefits of which His Majesty has succeeded, whether the Sheikh of Kuwait is or is not a party thereto.

"Trust territory" means a territory administered by the government of any part of His Majesty's dominions under the trusteeship system of the United Nations.

"Will" means will, codicil, or other testamentary instrument.

The expressions "person to whom this Order applies" and "person subject to this Order" mean the persons referred to in paragraph (a) (i) (ii) and (iii) of paragraph (1) of Article 8.

Expressions used in any enactments applied to Kuwait shall, unless a contrary intention appears, have the same respective meanings as in this Order.

5.—(1) In this Order words importing the plural or the singular may be construed as referring to one person or thing or to more than one person or thing, and words importing the masculine as referring to the feminine, as the case may require.

(2) Where this Order confers any power or imposes any duty, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(3) Where this Order confers a power, or imposes a duty on, or with respect to, a holder of an office as such, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed by, or with respect to, the holder for the time being of the office or the person temporarily acting for the holder.

(4) Where this Order confers a power to make any rules, regulations, or orders, the power shall, unless a contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, vary or amend the rules, regulations or orders.



(5) This Article shall apply to the construction of any regulations, rules, or orders made under this Order, unless a contrary intention appears.

6. Where this Order refers to any specified Act or Acts of Parliament, such reference shall, unless a contrary intention appears, be deemed to include any Act or Acts amending or substituted for the same. In the case of references to enactments of the Indian Legislature, the reference shall be to enactments in force on 14th August, 1947.

7. In the event of there being no Political Agent (including any person acting temporarily on his behalf under Article 5 (3)) available, all and every the powers, authorities, and immunities by this Order granted to him shall, until His Majesty's further pleasure is signified through the Secretary of State, be vested in the Political Resident.

8.—(1) The powers conferred by this Order shall extend to the persons and matters following, in so far as by treaty, grant, usage, sufferance, or other lawful means, His Majesty has jurisdiction in relation to such persons, matters, and things, that is to say:—

- (a) (i) British subjects within the limits of this Order;
- (ii) Foreigners within the limits of this Order.

(iii) Kuwait subjects registered in the Political Agency as being in the regular service of British subjects or foreigners; with the proviso that all cases wherein such Kuwait subjects are concerned shall be dealt with in accordance with the provisions of Part VI of this Order.

(b) The property and all personal or proprietary rights and liabilities within the said limits of all British subjects and of foreigners; and of Kuwait subjects within sub-paragraph (a) (iii) above whether such persons are themselves within or without the limits of this Order.

(c) British ships and ships belonging to foreigners with their boats, and the persons and property on board thereof, or belonging thereto, being within the limits of this Order; provided that jurisdiction over foreign ships shall not be exercised otherwise than according to the practice followed in the exercise of such jurisdiction by the High Court of Judicature at Bombay on 14th August, 1947.

(d) British aircraft and aircraft belonging to foreigners, being within the limits of this Order.

(e) British subjects outside the limits of this Order on whom a writ of summons or other process may be served in accordance with Rules of Court.

(2) If a question arises whether any place is within the limits of this Order or whether any person is a British protected person or a foreigner as defined in this Order, such question may be referred by the Court to the Political Resident, and a certificate under his hand and seal shall be conclusive on the question, and judicial notice shall be taken thereof.

9. All His Majesty's jurisdiction exercisable within the limits of this Order for the hearing and determination of criminal and civil matters, or for the maintenance of order or for the control or administration of persons or property, or in relation thereto, shall be exercised under and according to the provisions of this Order, so far as this Order extends and applies.

10. Every judge and officer of the Courts established under this Order shall, as far as there is proper opportunity, promote reconciliation and encourage and facilitate the settlement in an amicable way, and without recourse to litigation, of matters in difference between persons subject to this Order, or between persons subject to this Order and persons within the limits of this Order who are not subject to this Order.



PART II.—LAW TO BE APPLIED.

11.—(1) Subject to the other provisions of this Order His Majesty's criminal and civil jurisdiction in Kuwait shall, so far as circumstances admit, be exercised on the principles of, and in conformity with, the enactments applicable as hereinafter mentioned of the Indian Legislature and of the Bombay Legislature, and in accordance with the powers vested on 14th August, 1947, in the Courts in the province of Bombay beyond the limits of the ordinary original jurisdiction of the High Court of Judicature at Bombay, and with the practice and procedure observed by and before those Courts at that date, according to their respective jurisdiction and authority, and so far as such enactments, powers, practice and procedure are inapplicable shall be exercised in accordance with justice, equity and good conscience.

(2) The enactments mentioned in the schedule to this Order shall as from the date of the commencement of this Order apply to all persons subject to this Order as they applied on 14th August, 1947, in the province of Bombay, but subject to the following adaptations and modifications:—

(i) All references in the said enactments to "British India" or any part thereof shall, except where the context otherwise requires, be construed as references to the limits of this Order and all references therein to the "Central Government" and the "Provincial Government" shall, except as otherwise provided or where the context otherwise requires, be construed as references to the Secretary of State and Political Resident respectively.

(ii) For the purpose of facilitating the application of the said enactments, the Political Resident may, by order in writing, direct by what officers any power conferred by the said enactments on authorities other than the Central Government and the Provincial Government shall be exercisable.

(3) Any other enactments of the Indian Legislature or of the Bombay Legislature in force in the province of Bombay on 14th August, 1947, may be applied to Kuwait by King's Regulations under Article 85 of this Order.

(4) The Court may construe any enactments in force in Kuwait, under the provisions of this Article, with such alterations not affecting the substance as may be necessary or proper to adapt the same to the matter before the Court.

12.—(1) The following enactments shall apply to Kuwait as if it were a British Colony or Possession but subject to the provisions of this Order and to the exceptions, adaptations, and modifications specified in paragraph (2) of this Article and in Article 23 below:—

- (i) The Admiralty Offences (Colonial) Acts, 1849 and 1860(d).
- (ii) The Foreign Tribunals Evidence Act, 1856(e).
- (iii) The Evidence by Commission Acts, 1859 and 1885(f).
- (iv) The British Law Ascertainment Act, 1859(g).
- (v) The Foreign Law Ascertainment Act, 1861(h).
- (vi) The Fugitive Offenders Act, 1881(i).
- (vii) The Merchant Shipping Act, 1894, Part XIII.

(d) 12 & 13 Vict. c. 96 and 23 & 24 Vict. c. 122.
(f) 22 Vict. c. 20 and 48 & 49 Vict. c. 74.
(h) 24 & 25 Vict. c. 11.

(e) 19 & 20 Vict. c. 113.
(g) 22 & 23 Vict. c. 63.
(i) 44 & 45 Vict. c. 69.



(2) (i) References in any of the said Acts to the Governor of a Colony or British Possession, to a Superior Court or Supreme Court, and to a Magistrate or Justice of the Peace of a Colony or British Possession shall be construed respectively as references to the Political Resident, the Full Court, the Chief Court and the Court of the Political Agent.

(ii) With respect to the Fugitive Offenders Act, 1881:—

(a) The Act shall extend only to British subjects.

(b) So much of the 4th and 5th sections of the said Act as relates to sending a report of the issue of a warrant together with the information or a copy thereof, or to the sending of a certificate of committal and report of a case, or to the information to be given by a Magistrate to a fugitive shall be excepted, and in lieu of such information the person acting as the Magistrate shall inform the fugitive that in the British Possession to which he may be conveyed he has the right to apply for a writ of *habeas corpus* or other like process.

(c) So much of the 6th section of the said Act as requires the expiration of fifteen days before issue of warrant shall be excepted.

(d) The Political Resident shall not be bound to return a fugitive offender to a British Possession unless satisfied that the proceedings to obtain his return are taken with the consent of the Governor of that Possession.

(e) For the purposes of Part II of the said Act, Muscat, Bahrein, Kuwait, Qatar and the Trucial States, shall be deemed to be one group of British Possessions.

13. The Colonial Prisoners Removal Act, 1884(j), shall apply to the Kuwait as if Kuwait were a British Possession, but references to the Governor of a British Possession shall be construed as references to the Political Resident.

14. Where, by virtue of an Act of Parliament of the United Kingdom, or of this Order, or otherwise, any provisions of any Acts of Parliament of the United Kingdom, or of any Law in force in India, or of any Orders in Council other than this Order, are applicable within the limits of this Order, or any forms, regulations, or procedure prescribed or established by or under such Act, Law, or Order, are made applicable for any purpose of this Order, or any other Order relating to Kuwait, such Acts, Laws, Orders, forms, regulations, or procedure may be construed or used with such alterations and adaptations not affecting the substance as may be necessary having regard to local circumstances, and anything required to be done by, to, or before any Court, Judge, Officer, or Authority may be done by, to, or before a Court, Judge, Officer, or Authority having the like or analogous functions, or by, to, or before any Officer designated by the Secretary of State or by the Court (as the case may require) for that purpose; and in case any difficulty occurs in the application the Secretary of State may direct by, to, or before whom and in what manner anything is to be done, and such Act, Law, Order, form, regulation or procedure shall be construed accordingly.

Where, under any such Act of Parliament, Law, or Order, any publication is required to be made as respects any judicial proceeding in any "Gazette" or otherwise, such publication shall be made by such mode as the Court shall think fit to direct.

15. All orders, criminal or civil, duly made by a Court under the Bahrein, Qatar, Muscat and Trucial States Orders may, on application to the Court, be rendered enforceable within the limits of this Order as if they were orders of the Court.

(j) 47 & 48 Vict. c. 31.



PART III.—COURTS.

16.—(1) For the purposes of the exercise of jurisdiction under this Order, there shall be constituted and maintained:—

- (i) The Court of the Political Agent:
- (ii) The Chief Court:
- (iii) The Full Court.

(2) (i) The Court of the Political Agent shall have the powers and jurisdiction:

- (a) in criminal matters of a District Magistrate and Sessions Judge:
- (b) in civil matters of a District or principal Civil Court of original jurisdiction in the district.

(ii) The Political Agent and such other officers as may from time to time be appointed for this purpose by the Secretary of State shall be the Judges of the Court of the Political Agent and shall have the powers of a District Magistrate and Sessions Judge and of a District Judge.

(3) (i) The Chief Court shall have the powers and jurisdiction:

- (a) in criminal matters of a High Court of Judicature:
- (b) in civil matters of the highest Court of Appeal for the district, and shall hear appeals

from the Court of the Political Agent.

(ii) The Judges of the Chief Court shall be the Political Resident and the Assistant Judge. The Assistant Judge shall be appointed by order of the Secretary of State and shall be a person who has held judicial office under the Crown or been a Member of the Bar of England, Scotland or Northern Ireland of not less than 9 years' standing. Each Judge of the Chief Court may exercise all the powers and jurisdiction of the Court.

(4) (i) The Full Court shall have jurisdiction to hear and determine all appeals from the Chief Court and shall, as far as circumstances permit, follow the procedure and practice laid down in the Indian Codes of Criminal and Civil Procedure with regard to appeals. Appeals in civil matters shall only be by leave of the Chief Court.

(ii) The Full Court shall sit in accordance with arrangements from time to time made by the Political Resident, and shall be composed of not more than three and not less than two members nominated by the Political Resident from among the following:—

The Political Resident.

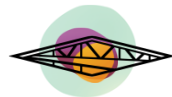
The Assistant Judge.

Any Judge of the High Court of Kenya.

Any Judge of the High Court of Cyprus.

Any Member of the Bar of England, Scotland and Northern Ireland of not less than 9 years' standing.

(iii) Unless the Political Resident is sitting as a member of the Full Court, the senior member of the Court shall preside. In case of difference of opinion in the Full Court of three members, the decision shall be in accordance with the decision of the majority. In the case of a difference of opinion in the Full Court of two members, the decision under appeal shall stand, but the Political Resident may cause a third member to be added to the Court after the close of the hearing, who may participate in the decision after studying the record.



(5) Appeals from the Full Court to His Majesty in Council shall be either by leave of the Full Court or by special leave of His Majesty in Council. Rules of Court shall provide for the procedure to be followed with regard to appeals to His Majesty in Council.

PART IV.—CRIMINAL MATTERS.

17.—(1) Subject to the other provisions of this Order the Code of Criminal Procedure and the other Indian enactments relating to the administration of criminal justice made applicable to all persons subject to this Order shall apply to, and have effect in, Kuwait as if it were a district in the province of Bombay. The powers of the Central Government and of the Provincial Government under those enactments shall be exercisable by the Secretary of State.

Notwithstanding anything in the previous provisions of this paragraph, or in the enactments therein referred to, in any case involving an offence punishable under Chapters XVI to XXIII inclusive of the Indian Penal Code which under the second schedule of the Indian Code of Criminal Procedure is triable by a magistrate of the second or third class, the Political Agent may, if both the complainant and the defendant are Mohammedans and are acquiescent in such procedure, order the case to be tried by a Qazi, a representative from the Court of the Political Agent attending to record briefly the proceedings. In such cases the judgment passed by the Qazi shall not be carried into effect until it is ratified by the Court of the Political Agent, and the Court of the Political Agent shall have power to revise the finding and sentence as if the Qazi were a subordinate Magistrate, or to return the case for retrial to the same or another Qazi. The sentence of the Qazi, when ratified by the Political Agent, shall for all purposes be regarded as if it were the decision of the Court of the Political Agent.

(2) Any jurisdiction exercisable by the Chief Court in criminal matters under this Order may be exercised by that Court either within the limits of this Order or elsewhere within the limits of the Bahrein, Qatar, Muscat and the Trucial States Orders.

18. In cases in which the Code of Criminal Procedure requires the sentence of a Court of Session to be confirmed by the High Court, the sentence shall be referred for confirmation to the Secretary of State instead of to the Chief Court.

19.—(1) Where a person subject to the Order is accused of the commission of an offence cognisable by the Court of the Political Agent, the Chief Court may, where it appears so expedient, by warrant under the hand and seal of the Political Resident, cause the accused to be sent for trial by a Court of the Political Agent established by Order in Council in Qatar, Bahrein, Muscat and Oman or the Trucial States.

(2) The warrant shall be sufficient authority to any person to whom it is directed to receive and retain the person therein named and to carry him to and deliver him up at Qatar, Bahrein, Muscat and Oman or the Trucial States according to the warrant.

(3) Where any person is to be sent to Qatar, Bahrein, Kuwait, Muscat and Oman or the Trucial States the Court before which he is charged shall take the preliminary examination, and shall bind over such of the proper witnesses as are British subjects in their own recognisances to appear and give evidence at the trial.

(4) Where a person subject to the Bahrein, Qatar, Muscat or Trucial States Orders is accused of an offence within the limits of the aforesaid Orders and has by warrant under seal of the Political Resident been sent for trial



in Kuwait the Court shall have power to try the case as if the alleged offence had been committed within the limits of this Order by a person subject to this Order.

20.—(1) The Political Resident may from time to time, subject to the directions of the Secretary of State, by general order under his hand and seal, prescribe the manner in which, and the places within the limits of this Order or the Bahrein, Qatar, Muscat and Trucial States Orders at which, sentences passed by the Court are to be carried into execution, and may appoint any building or place specified in the order to be a prison for the purposes of this Order, and such persons as he thinks fit to be gaolers, keepers or officers of any such prison.

(2) If at the place at which any Court is held there is no place or building appointed as a prison in accordance with the preceding paragraph of this Article, it shall be lawful for any Court, by order or warrant under the seal of the Court, temporarily and for the purposes of any particular case or cases to appoint any place or building specified in the order to be a prison for the purposes of this Order, and such persons as the Court thinks fit to be keepers in such prison.

(3) A warrant under the seal of the Court shall be sufficient authority to the person or persons to whom it is directed to deliver and detain the person named therein according to the warrant at any prison appointed in accordance with the preceding paragraphs of this Article.

(4) A warrant under the seal of any other court acting under the Bahrein, Qatar, Muscat or Trucial States Orders shall be sufficient authority within the limits of this Order to the person or persons to whom it is directed to deliver and detain the person named therein according to the warrant at any prison appointed in accordance with the preceding paragraphs of this Article.

21.—(1) Without prejudice to the provisions of Article 22 of this Order, the Political Resident or the Political Agent acting under the authority of the Political Resident may, by warrant under his hand and seal, order any person convicted by the Court and sentenced to imprisonment to be sent to and detained at any prison within the limits of this Order or the Bahrein, Qatar, Muscat or Trucial States Orders specified therein. Such prison may be a place appointed in accordance with the provisions of paragraph (1) of Article 20, or a place appointed temporarily and for the purpose of the particular case.

(2) The warrant of the Political Resident or the Political Agent acting under the authority of the Political Resident shall be sufficient authority to any person to whom it is directed to carry and deliver up the person therein named and to receive and detain him at the prison named according to the warrant.

(3) In any case where a person sentenced to imprisonment for a term exceeding one month is detained in a prison temporarily appointed in accordance with the provisions of paragraph (2) of Article 20, the Court by which the sentence was awarded shall report the case and the circumstances thereof to the Political Resident for his directions.

(4) Without prejudice to the provisions of Article 22, the Political Resident upon the receipt of such report may make an order under paragraph (1) of this Article, or may direct that the sentence shall continue to be served at the place where the prisoner is at present detained.

22.—(1) Where an offender convicted before any Court under this Order is sentenced to imprisonment, and the Political Resident proceeding under section 7 of the Foreign Jurisdiction Act, 1890, authority in that behalf



being hereby given to him, considers it expedient that the sentence should be carried into effect elsewhere than within the limits of this Order, and the offender is accordingly sent for imprisonment to a place outside the limits of this Order, the place shall be either a place in some part of His Majesty's dominions the Government whereof consents that offenders may be sent thither under this Article, or a place in which by treaty, grant, usage, sufferance, or other lawful means His Majesty has jurisdiction.

(2) A warrant under the hand and seal of the Political Resident shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named and to carry him to and deliver him up at the place named according to the warrant.

23.—(1) In cases of murder or culpable homicide, if either the death or the criminal act which wholly or partly caused the death happened in Kuwait, a Court acting under this Order shall have the like jurisdiction over any person to whom this Order applies who is charged either as a principal offender or as an abettor as if both such criminal act and the death had happened in Kuwait.

(2) In the case of any offence committed on the high seas or within the Admiralty jurisdiction by any person who at the time of committing such offence was on board a British ship, or by any British subject on board a foreign ship to which he did not belong, the Court shall, subject to the provisions of this Order, have jurisdiction over such person as if the offence had been committed within its jurisdiction.

(3) In cases tried under this Article no different sentence can be passed from that which could have been passed in India if the crime had been tried there on 14th August, 1947.

(4) The foregoing provisions of this Article shall be deemed as well as the provisions of Article 12 (2) above to be adaptations, for the purposes of this Order and of the Foreign Jurisdiction Act, 1890, of the following enactments, namely:—

The Admiralty Offences (Colonial) Act, 1849 :

The Admiralty Offences (Colonial) Act, 1860 :

The Merchant Shipping Act, 1894, Part XIII :

and those enactments shall apply accordingly, and be administered in Kuwait.

24. Where a person is convicted of an offence the Court before which he is convicted may, if it thinks fit at any time before he is discharged, require him to give security to the satisfaction of the Court for his future good behaviour, and for that purpose may, if it thinks fit, cause him to come or be brought before the Court.

25.—(1) Where it is shown by evidence on oath, to the satisfaction of the Court, that any person to whom this Order applies has committed, or is about to commit, an offence against this Order, or is otherwise conducting himself so as to be dangerous to peace and good order, or is endeavouring to excite enmity between the people of Kuwait and His Majesty, or is intriguing within the limits of this Order against His Majesty's power and authority, the Court may, if it thinks fit, by order under its seal, prohibit that person from being within the limits of this Order during any time therein specified, not exceeding two years, or alternatively may require him to give security for his future good behaviour.

(2) The Court, by order in writing under its seal, may vary any order of prohibition (not extending the duration thereof), and may revoke any order of prohibition.



(3) The Court shall forthwith report the order and the grounds thereof to the Chief Court, which shall forthwith report to the Secretary of State every order made under this Article, and the grounds thereof, and the proceedings thereunder.

26.—(1) If any person to whom this Order applies fails to give security for good behaviour or for keeping the peace when lawfully required to do so, or fails during the continuance of the security to keep the peace or be of good behaviour, or fails to comply with an order of prohibition made under this Order, the Court may, if it thinks fit, order that he be deported from any place within its jurisdiction as prescribed by this Order.

(2) If the order of deportation is made by the Court, it shall forthwith report to the Chief Court the order and the grounds thereof.

(3) Thereupon the person ordered to be deported, unless the Chief Court thinks fit otherwise to direct, shall, as soon as practicable and in the case of a person convicted either after execution of the sentence or while it is in course of execution, be removed in custody under warrant to the place named in the warrant.

(4) The place named in the warrant shall be

(i) a place in that part of His Majesty's dominions or in that protectorate, protected state, mandated territory or trust territory to which the person belongs or in that state of which the person is a national or

(ii) a place in another territory or state the Government of which consents to the reception of persons deported under this Order.

(5) The Court, on making an order of deportation, may, if it thinks fit, order the person to be deported to pay all or any part of the expenses of his deportation, to be fixed by the Court in the order. Subject thereto, the expenses of deportation shall be defrayed as the Secretary of State, with the concurrence of the Treasury, may direct.

(6) The Chief Court shall forthwith report to the Secretary of State every order of deportation made under this Order, and the grounds thereof, and the proceedings thereunder.

(7) If a person deported under this Order returns to Kuwait without permission in writing of the Chief Court or the Secretary of State (which permission the Chief Court or the Secretary of State respectively may give), he shall be punished with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees, or with both.

(8) He shall also be liable to be forthwith again deported under the original or a new order, and a fresh warrant.

27. An appeal shall not lie against an order of prohibition or of deportation made under this Order.

28.—(1) Where under this Order a person is to be sent or removed or deported from any place within the jurisdiction of the Court as prescribed by this Order he shall, by warrant of the Court sealed with its seal, be detained, if necessary in custody or in prison, until a fit opportunity for his removal or deportation occurs, and then be put on board a vessel belonging to, or in the service of, His Majesty, or, if no such vessel is available, then on board some other British or other fit vessel.

(2) The warrant shall be sufficient authority to the person to whom it is directed or delivered for execution, and to the Commanding Officer or master of the vessel, to receive and detain the person therein named, in the manner therein prescribed, and to send or remove and carry him to the place therein named, according to the warrant.



(3) In case of sending or removal for any purpose other than deportation, the warrant shall be issued in duplicate, and the person executing it shall, as soon as practicable after his arrival at the place therein named, deliver according to the warrant, with one of the duplicates of the warrant, to a constable, or proper officer of police, or keeper of a prison, or other proper authority or person there, the person named in the warrant, to be produced on the order of the proper Court or authority there, or to be otherwise dealt with according to law.

29.—(1) If any person to whom this Order applies does any of the following things, namely:—

- (a) Wilfully by act or threat obstructs any Officer of, or person executing any process of, the Court in the performance of his duty; or
- (b) Within or close to the room or place where the Court is sitting wilfully misbehaves in a violent, threatening, or disrespectful manner to the disturbance of the Court, or to the intimidation of suitors or others resorting thereto; or
- (c) Wilfully insults any members of the Court, or any assessor, or any person acting as a Clerk or Officer of the Court during his sitting or attendance in Court, or in his going to or returning from Court; or
- (d) Does any act in relation to the Court or a Judge thereof, or a matter pending therein, which, if done in relation to a High Court in British India, would have been punishable as a contempt of such Court;

such person shall be liable to be apprehended by order of the Court with or without warrant, and, on inquiry and consideration, and after the hearing of any defence which such person may offer, without further process or trial, to be punished with a fine not exceeding 100 rupees, or with imprisonment not exceeding twenty-four hours.

A Minute shall be made and kept of every such case of punishment, recording the facts of the offence and the extent of the punishment.

Provided that, if the Court thinks fit, instead of proceeding under the preceding provisions, it may direct or cause the offender to be tried in a separate criminal prosecution or proceeding, in which the offender shall be liable to any punishment to which he would have been liable on 14th August, 1947, if the offence had been committed in relation to the Court of a Sessions Judge in India.

Nothing herein shall interfere with the power of the Court to remove or exclude persons who interrupt or obstruct the proceedings of the Court.

(2) The provisions of paragraph (1) of this Article shall also apply if any person subject to this Order does any of the acts enumerated in sub-paragraphs (b), (c) or (d) thereof in relation to a Qazi to whom a matter has been referred under Article 17 (1), 42 or 54 (6).

30. If any person to whom this Order applies smuggles or imports into or exports from Kuwait any goods whereon any duty is charged by or payable to the Sheikh, with intent to evade payment of the duty, he shall be punished with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees or to a sum equal to treble the value of the goods (whichever shall be the greater), or with both imprisonment and fine.

31. If any person to whom this Order applies smuggles or imports into or exports from Kuwait any goods the importation or exportation whereof is lawfully prohibited he shall be punished with imprisonment for a term which may extend to one year, or with a fine which may extend to 2,000 rupees or



to a sum equal to treble the value of the goods (whichever shall be the greater), or with both imprisonment and fine.

32. Any act which, if it had been done in British India on 14th August, 1947, would have been an offence against the law then in force in British India, relating to trade-marks, merchandise marks, copyright designs, or inventions, shall, if done in Kuwait by a person to whom this Order applies, be an offence punishable with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees, or with both.

33.—(1) If any person to whom this Order applies:—

(i) Publicly derides, mocks or insults any religion, established or observed within the limits of this Order; or

(ii) Publicly offers insult to any religious service, feast, or ceremony established or kept in any place within those limits, or to any place of worship, tomb, or sanctuary belonging to any religion established or observed within those limits, or belonging to the ministers or professors thereof; or

(iii) Publicly and wilfully commits any act tending to bring any religion established or observed within those limits, or its ceremonies, modes of worship, or observances into hatred, ridicule, or contempt, and thereby to provoke a breach of the public peace;

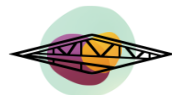
he shall be guilty of an offence, and on conviction thereof liable to imprisonment, which may extend to two years, with or without a fine not exceeding 500 rupees, or to a fine alone not exceeding 500 rupees.

(2) The Political Agent shall take such precautionary measures as seem to him proper and expedient for the prevention of such offences.

34.—(1) If any person subject to this Order prints, publishes, or offers for sale any printed or written newspaper or other publication containing seditious matter, he shall be guilty of an offence and on conviction thereof liable to imprisonment, which may extend to two years, with or without a fine not exceeding 1,000 rupees or to a fine alone not exceeding 1,000 rupees, and may, in addition to, or in lieu of, any other sentence, be ordered to give security for good behaviour, or to be deported.

(2) Where any printed or written newspaper or other publication containing seditious matter is printed, published, or offered for sale within the limits of this Order by a Company incorporated under the laws of any part of His Majesty's dominions, protectorates or protected states or of any mandated territory or trust territory, the Court may, after notice to the Company, and on proof of the facts, require the Company to give security to abstain from such printing, publishing, or offering for sale in future. If the Company fail to give security, or if the Company is shown to have again printed, published, or offered for sale such newspaper, or other publication containing seditious matter after giving such security, the Court may make an order prohibiting the Company from carrying on business within the limits of the Order, and may make such other orders as to the Court may seem just. The Court may also declare all the property of the Company within the limits of the Order to be forfeited to His Majesty, and shall dispose of it, subject to any general or special directions of the Secretary of State, as it thinks fit.

(3) Matter calculated to excite tumult or disorder, or to excite enmity between persons subject to this Order and the Sheikh or Kuwait subjects, or between different classes of person subject to this Order, or between the Sheikh and Kuwait subjects, shall be deemed to be seditious matter within the meaning of this Article.



35.—(1) If a Clerk or Officer of the Court acting under pretence of the process or authority of the Court, is charged with extortion, or with not paying over money duly levied, or with other misconduct, the Court may, if it thinks fit, enquire into the charge in a summary way, and may for that purpose summon and enforce the attendance of all necessary persons as in a suit, and may make such order for the repayment of any money extorted, or for the payment over of any money levied, and for payment of such damages and costs as the Court thinks fit.

(2) The Court may also, if it thinks fit, on the same enquiry impose on the Clerk or Officer such fine, not exceeding 50 rupees for each offence, as the Court thinks fit.

(3) A Clerk or Officer punished under this Article shall not, without the leave of the Court, be liable to a civil suit in respect of the same matter; and any such suit, if already or afterwards begun, may be stayed by the Court in such manner and on such terms as the Court thinks fit.

(4) Nothing in this Article shall be deemed to prevent any person from being prosecuted under any other legal provision, which is applicable, for any act or omission punishable under this Article, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Article:

Provided that no person shall be punished twice for the same offence.

36. Any person being within the limits of this Order may be proceeded against, tried, and punished under this Order for piracy wherever committed.

37.—(1) The Foreign Jurisdiction' Neutrality Order in Council, 1904(k), shall apply to all persons and to all property subject to this Order.

(2) Nothing in this Order shall affect the operation within the limits of the Order of the Foreign Jurisdiction (Military Forces) Order in Council, 1927(l).

38. Where a person entitled to appeal to the Chief Court or the Full Court from any judgment or order passed in the exercise of criminal jurisdiction under this Order desires so to appeal, he shall present his petition of appeal to the Court which passed the judgment or order; and the petition shall with all practicable speed be transmitted to the Chief Court or the Full Court with certified copies of the charge (if any) and proceedings, of all documentary evidence submitted or tendered, of the depositions, of the notes of the oral testimony, and of the judgment or order, and any argument on the petition of appeal that the appellant desires to submit to the Chief Court or the Full Court.

39. The Court against whose judgment or order the appeal is preferred may postpone the execution of the sentence pending the appeal, and shall, if necessary, commit the person convicted to prison for safe custody, or detain him in prison for safe custody, or shall admit him to bail, and may take security, by recognisance, deposit of money, or otherwise, for his payment of any fine.

PART V.—CIVIL MATTERS

40.—(1) Subject to the other provisions of this Order, the Code of Civil Procedure and the other Indian enactments relating to the administration of civil justice and to insolvency and bankruptcy made applicable to all persons subject to this Order shall apply to, and have effect in, Kuwait as if it were a district in the province of Bombay on 14th August, 1947. The powers both

(k) S.R. & O. 1904 (No. 1654) p. 174. (l) S.R. & O. 1927 (No. 359) p. 478.



of the Central Government and the Provincial Government under those enactments shall be exercisable by the Secretary of State.

(2) Any jurisdiction exercisable by the Chief Court under this Order in civil matters may be exercised by that Court, either within the limits of this Order or elsewhere within the limits of the Bahrein, Qatar, Muscat and Trucial States Orders.

41. When a suit between persons to whom this Order applies is filed in the Court of the Political Agent, the Court shall enquire from the several parties whether they desire that proceedings shall be instituted in accordance with the Code of Civil Procedure and the Indian enactments made applicable to Kuwait, or in accordance with local usage, and shall record their replies.

42. When any of the several parties desire that the suit shall be determined in accordance with the Code of Civil Procedure and other enactments made applicable to Kuwait, the Court of the Political Agent shall forthwith proceed to decide the suit in accordance with the provisions of such enactments, as far as local conditions permit.

The Court of the Political Agent may, however, refer any matter in the progress of a suit which involves a point of Muhammadan law to a Qazi for a decision, or may send any party or witness, being a Muhammadan, to a Qazi for the administration of an oath; or may refer any matter in the progress of a suit between parties belonging to the same community which, in the discretion of the Court, is a fit and proper subject for the decision of the local leaders of that community, to a punch or jama'at of the leaders of such community; or, in commercial cases, may refer any matter in the progress of a suit which, in the discretion of the Court, is a fit and proper subject for the decision of the principal local merchants to a majlis or jama'at of such merchants.

43.—(1) The Foreign Jurisdiction (Admiralty) Order in Council, 1910(m), shall apply to Kuwait, and the Chief Court shall have the jurisdiction conferred by Article 4 of that Order, and the Court of the Political Agent shall be deemed to be a Provincial Court, and the Registry thereof a District Registry within the meaning of the said Order.

(2) Admiralty actions commenced in the said Registry shall be tried in the Court of the Political Agent unless the Chief Court is at the time sitting within the limits of this Order, or unless all parties agree that the action shall be tried in the Chief Court sitting elsewhere than within the limits of this Order.

(3) The duties of the Registrar and of the Marshal, either of the Chief Court or of the Court of the Political Agent, under the said Order shall be performed by such Officers as the Political Resident shall direct.

44.—(1) The Court of the Political Agent shall endeavour to obtain, as early as may be, notice of the deaths of all persons subject to this Order leaving property in any place within the jurisdiction of the Court as prescribed by this Order, and all such information as may serve to guide the Court with respect to the securing and administration of their property.

(2) On receiving notice of the death of such a person the Court shall put up a notice thereof at the Court-house, and shall keep the same there until probate or administration is granted, or, where it appears to the Court that probate or administration will not be applied for or cannot be granted, for such time as it thinks fit.

(m) S.R. & O. 1910 (No. 1183) p. 131.



(3) The Court shall, where the circumstances of the case appear so to require, as soon as may be, take possession of the property left by the deceased in any place within the jurisdiction of the Court as prescribed by this Order, or put it under its seal (in either case, if the nature of the property or other circumstances so require, making an inventory) and so keep it until it can be dealt with according to law, perishable articles being disposed of as the Court may consider best in the interests of the estate.

(4) All expenses incurred on behalf of the Court in so doing shall be the first charge on the property of the deceased, and the Court shall, by sale of part of that property, or otherwise, provide for the discharge of these expenses.

(5) When a person subject to this Order dies in Kuwait or elsewhere intestate, then, until administration is granted, his property in Kuwait shall be vested in the Political Agent.

45. If a person to whom this Order applies, who is named executor in a will, and to the establishment of whose title as such it is necessary to obtain probate of that will, takes possession of and administers, or otherwise deals with, any part of the property of the deceased, and does not obtain probate within one month after the death, or after the termination of any proceeding respecting probate or administration, he shall be liable to pay double the amount of any fees chargeable on obtaining probate, and he shall also be liable to a fine which may extend to 1,000 rupees.

46. If any person to whom this Order applies, other than the person named executor, or the administrator, or a person entitled to represent the deceased without obtaining probate or letters of administration, or an Officer of the Court, takes possession of and administers or otherwise deals with, any part of the property of the deceased, he shall, as soon as practicable, notify the fact and the circumstances to the Court of the Political Agent, and shall furnish to the Court all such information as the Court requires, and shall conform to any direction of the Court in relation to the custody, disposal, or transmission of the property or the proceeds thereof, and, in case of any contravention of this Article, he shall be punished with a fine, which may extend to 1,000 rupees.

47. Where a person to whom this Order applies is named executor in a will and survives the testator, but either dies without having obtained probate or, having been called on by the Court to apply for probate, does not appear, his right in respect of the executorship wholly ceases; and, without further renunciation, the representation of the testator and the administration of his property shall go and may be committed as if that person had not been appointed executor.

48. Where it appears to the Court that the value of the property or estate of a deceased person subject to this Order does not exceed 1,500 rupees the Court may, without any probate, letters of administration or other formal proceeding, pay thereout any debts or charges and pay, remit or deliver any surplus to such persons and in such manner as the Court thinks proper, and no member or Officer of the Court shall be liable to any action, suit, or proceedings in respect of anything done under this Article.

49. The Foreign Jurisdiction (Probates) Order in Council, 1935⁽ⁿ⁾, shall apply to all persons and to all property subject to this Order.

⁽ⁿ⁾ S.R. & O. 1935 (No. 896) p. 522.



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50.—(1) When the circumstances of the case appear to the Court of the Political Agent so to require, for reasons recorded in its proceedings, the Court may, if it thinks fit, of its own motion or otherwise, grant letters of administration to an Officer of the Court.

(2) The Officer so appointed shall act under the direction of the Court, and shall be indemnified thereby.

(3) He shall publish such notices, if any, as the Court thinks fit, in Kuwait, the United Kingdom, and elsewhere.

(4) The Court shall require and compel him to file in the proper Office of the Court his accounts of his administration at intervals not exceeding three months, and shall forthwith examine them and report thereon to the Chief Court.

(5) The accounts shall be audited under the direction of the Court of the Political Agent.

(6) All expenses incurred on behalf of the Court in execution of this Article shall be the first charge on the estate of the deceased as dealt with in accordance with the provisions of this Order; and the Court shall, by the sale of that estate or otherwise, provide for the discharge of those expenses.

51. In cases where parties are Muhammadans the Court of the Political Agent may refer any question concerning probate of wills or administration of property of deceased persons to whom this Order applies to a Qazi for settlement under the general supervision of the Court.

52.—(1) If an Officer of the Court, employed to execute a decree or order, loses, by neglect or omission, the opportunity of executing it, then, on complaint of the person aggrieved and proof of the fact alleged, the Court may, if it thinks fit, order the Officer to pay the damages sustained by the person complaining, or part thereof.

(2) The order may be enforced as an order directing payment of money.

PART VI.—MIXED CASES: KUWAIT SUBJECTS AND PERSONS
SUBJECT TO THIS ORDER

(a) *Criminal*

53.—(1) When any Kuwait subject desires to institute a complaint against a person to whom this Order applies, the Court of the Political Agent shall entertain the same, and shall (a) himself hear and determine it in his Court, or (b) if both parties are Muhammadans, refer it, with their consent, to a Qazi for decision, sending a representative of the Agency to record briefly the proceedings. Such decision when endorsed by the Court of the Political Agent shall for all purposes be considered as if it were that of the Court of the Political Agent.

(2) Provided that a Kuwait subject to whom this Order does not apply shall, if so required by the Court, first obtain and file in the proper Office of the Court the consent, in writing, of the competent authority on behalf of the Sheikh to his submitting, and that he shall submit by writing, to the jurisdiction of the Court, and, if required by the Court, give security to the satisfaction of the Court, and to such reasonable amount as the Court thinks fit, by deposit or otherwise, to pay fees, costs and damages, and abide by and perform the decision to be given by the Court or on appeal.

(3) A cross complaint shall not be brought in the Court against the complainant, being a person not subject to this Order.

(4) When a person to whom this Order applies desires to institute a complaint against a person not subject to the said Order, the Court of the Political Agent shall entertain the same, and, after satisfying himself that *prima facie*



grounds for complaint exist, shall cause the matter to be brought before and decided by the highest authority of the Sheikh, or some person specially delegated by him for the purpose. The proceedings and final decision in a case shall not, however, be considered legal unless notice has been given and an opportunity afforded for the Political Agent or Officer appointed by him for the purpose to attend at the hearing and final decision.

(b) Civil

54.—(1) When any Kuwait subject desires to bring a suit against a person to whom this Order applies, the Court of the Political Agent shall admit the plaint, and may (a) hear and determine the suit in his Court, or (b) with the consent of the several parties, may refer the case to one or more arbitrators for settlement :

(2) Provided that a Kuwait subject to whom this Order does not apply shall, if required by the Court, first obtain and file in the proper Office of the Court the consent, in writing, of the competent authority on behalf of the Sheikh, to his submitting, and that he shall submit by writing to the jurisdiction of the Court, and, if required by the Court, give security to the satisfaction of the Court, and to such reasonable amount as the Court thinks fit, by deposit or otherwise, to pay fees, costs, and damages, and abide by and perform the decision to be given by the Court or on appeal.

(3) The award of the Arbitrator under sub-paragraph 1 (b) of this Article shall be final, and shall not be open to appeal unless such award shall within a reasonable time have been ordered by the Court of the Political Agent to be set aside on the ground that it is not final, or is defective, or that the Arbitrator has exceeded his authority, or has been guilty of misconduct in the matter.

(4) A cross suit shall not be brought in the Court against a plaintiff, being a person not subject to this Order, unless the first two conditions of sub-Article (2) above are fulfilled.

(5) When a person to whom this Order applies desires to institute a suit against a person not subject to the said Order, the Court of the Political Agent shall admit the same and after satisfying himself that *prima facie* grounds for bringing a suit exist, shall cause the matter to be brought before and decided by the highest authority of the Sheikh, or some person specially delegated by him for the purpose. The proceedings and final decision in a case shall not, however, be considered legal unless notice has been given and an opportunity afforded for the Political Agent, or Officer appointed by him for the purpose, to attend at the hearing and final decision.

(6) Nothing herein mentioned shall prevent the Court from referring any matter in the progress of a suit which involves a point of Muhammadan law to a Qazi for decision, or from sending any party or witness, being a Muhammadan, to a Qazi for the administration of an oath.

55.—(1) Where a person to whom this Order does not apply obtains, in a Court established under this Order, a decree or order against a defendant, being a person subject to this Order, and in another suit that defendant is plaintiff and the person to whom this Order does not apply is defendant the Court may, if it thinks fit, on the application of the person subject to this Order, stay the enforcement of the decree or order pending that other suit, and may set off any amount decreed or ordered to be paid by one party in one suit against any amount decreed or ordered to be paid by the other party in the other suit.

(2) Where a plaintiff, being a person to whom this Order does not apply, obtains a decree or order, in a Court established under this Order, against two or more defendants being persons subject to this Order jointly, and in



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another suit one of them is a plaintiff and the person to whom this Order does not apply is defendant, the Court may, if it thinks fit, on the application of the persons subject to this Order, stay the enforcement of the decree or order pending that other suit, and may set off any amount decreed or ordered to be paid by one party in one suit against any amount decreed or ordered to be paid by the other party in the other suit, without prejudice to the right of the person subject to this Order to obtain contribution from his co-defendants under the joint liability.

(3) Where in a suit a person to whom this Order does not apply is co-plaintiff with a person subject to this Order, who is in Kuwait, it shall not be necessary for the person to whom this Order does not apply to give security under this Article as regards fees and costs, unless the Court so directs, but the co-plaintiff person subject to this Order shall be responsible for all fees and costs.

56.—(1) Every agreement for reference to arbitration between a person to whom this Order applies on the one hand, and a person not subject to this Order on the other hand, may, on the application of any party, be filed for execution in the Office of the Court.

(2) The Court shall thereupon have authority to enforce the agreement and the award made thereunder and to control and regulate the proceedings before and after the award in such manner and on such terms as the Court may think fit, in concert with the Sheikh or his representative.

(c) *General*

57.—(1) Where it is proved that the attendance of a person to whom this Order applies, to give evidence, or for any other purpose connected with the administration of justice, is required before a Kuwait tribunal, a Court established under this Order may, if it thinks fit, in a case and in circumstances in which the Court would require the attendance of that person before the Court, order that he do attend as required. The order may be made subject to such conditions as the Court thinks fit.

(2) If the person so ordered to attend, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly, and does not excuse his failure to the satisfaction of the Court, he shall, independently of any other liability, be liable to be punished with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees, or with both.

58. When a person to whom this Order applies invokes or submits to the jurisdiction of a Kuwait tribunal, the Court may, on such evidence as it thinks fit to require, enforce payment of such fees and expenses in the same manner as if they were fees payable in a proceeding in the Court, and shall pay over and account for the same, when levied, to the proper Kuwait authority, as the Court may direct. The Court may also enforce compliance with any judgment given by such Tribunal against such person in the same manner as it may enforce compliance with a judgment given by the Court.

59.—(1) If a person to whom this Order applies wilfully gives false evidence in a proceeding before a Kuwait tribunal, or in an arbitration between a person to whom this Order applies, on the one hand, and a person to whom this Order does not apply, on the other hand, he shall be guilty of an offence, and shall, on conviction, be liable to be punished with imprisonment for a term which may extend to two months or with a fine which may extend to 1,000 rupees, or with both.



(2) Nothing in this Article shall exempt a person from liability under any other law applicable within the limits of this Order to any other or higher punishment or penalty :

Provided that no person shall be punished twice for the same offence.

PART VII.—REGISTRATION

60. A register of persons subject to this Order (other than corporations) shall be kept in the Political Agency.

61. Every person subject to this Order (other than a corporation) resident within the limits of this Order shall, in the month of January of each year, be registered at the Political Agency. A person subject to this Order arriving within the limits of this Order shall apply for registration within one month after his arrival, provided that a person who fails to apply for or to obtain registration within the time limited by this Article may be registered at any time if he excuses his failure to the satisfaction of the Political Agent.

62. Where a person is in possession of a valid British or foreign passport, the Political Agent shall, on the first registration of any such person, endorse on the passport without further fee than that provided for in Article 65 a certificate of registration in such form as may be prescribed by the Secretary of State. Where any such person applies for the renewal of the registration and produces his passport, the renewal of the registration shall, without further fee than that provided for in Article 65, be endorsed thereon.

63. Every person, who has not previously been registered, applying to be registered under this Order shall, unless excused by the Political Agent, attend personally for that purpose at the Political Agency ; but any person applying for the renewal of his registration need not attend personally unless directed by the Political Agent so to do, provided that the registration of the wife or wives of a man who is registered under this Order may, if she or they be living with him, be effected without their personal attendance being required, and provided also that the registration of minors, being his relatives in whatever degree, living with the head of a family who is registered under this Order, may be effected without their personal attendance being required.

64. A person registered in any register of British subjects established under the provisions of any Order in Council which have been repealed shall be registered under the provisions of this Order, unless the Political Agent is satisfied after enquiry that the previous registration was erroneous or that such person is not entitled to registration under the provisions of this Order.

65. Every person shall, on every registration of himself and on every renewal of registration, pay a fee of one rupee, or such other fee as the Secretary of State from time to time appoints. The amount of the fee so appointed may be uniform for all persons, or may vary according to the position and circumstances of different classes, if the Secretary of State from time to time so directs, but may not in any case exceed 3 rupees.

66. Where any person applies to be registered, he shall be entitled without a fee to the assistance of the Political Agent in the preparation of any affidavit that may be required.

67. The Political Agent may require the production of such evidence that an applicant for registration is entitled to the status of a British subject as he may see fit, but subject to such directions as may be issued by the Secretary of State.



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68. If any British subject neglects to obtain registration under the provisions of this Order, he shall not be entitled to be recognised or protected as a British subject within the limits of this Order, and he and any other person subject to this Order who neglects to obtain registration shall be liable to a fine not exceeding 25 rupees for each instance of such failure; but he shall, although not registered, be subject to the jurisdiction of the Courts established by this Order.

69. A register of companies incorporated or registered in the United Kingdom or in any other part of His Majesty's dominions, protectorates or protected states or in any mandated territory or trust territory or in any other country outside the limits of this Order other than Bahrain, Qatar, or the Trucial States, and carrying on business in Kuwait, shall be kept in the Political Agency, and every such company carrying on business in Kuwait shall register there.

70. On the registration of a company at the Political Agency there shall be deposited and filed a copy of the certificate of incorporation of the company or other document corresponding thereto, a statement showing the nominal capital of the company and the amounts thereof which have been subscribed and paid up respectively, and, if the company has been incorporated under a law which provides for the periodical filing of a list of the shareholders, a copy of the last list so filed.

71. The Political Agent shall, on the registration of a company at the Political Agency, issue to the person making the registration a certificate, signed and sealed, that the company has been so registered.

72.—(1) Every company registered under this Order shall register the name and address of the manager or other chief local representative in Kuwait, and shall from time to time, as may be necessary, register any alteration of the representative of the company or in his address.

(2) Rules of Court made under Article 77 may provide that service of writs, notices, or other documents upon the person registered under this Article, or at his address, shall be good service of such documents upon the company.

73. Registration of a company under this Order shall not require to be renewed annually, but may be renewed from time to time as the parties may desire, and shall be renewed when any change takes place in the name of the company.

74. On every registration of a company under this Order, and on every renewal thereof, there shall be payable a fee of 10 rupees, and on every registration under Article 72 (1) there shall be payable a fee of 1 rupee.

75. Any company failing to make such registration or to deposit or file such documents as required by Articles 69, 70 and 72 of this Order and every Director, Manager, Secretary or other officer who is knowingly a party to such default shall be guilty of an offence under this Order, and on proof thereof shall be liable to a fine not exceeding 15 rupees a day for every day during which such offence continues, but not exceeding in all 500 rupees.

PART VIII.—MISCELLANEOUS PROVISIONS

76.—(a) Persons subject to this Order are prohibited from alienating to or acquiring from any person of whatever nationality any land or house property within the limits of this Order, either by gift, purchase, mortgage, or other form of conveyance, without due execution of signature before and registration by the Political Agent previous to the transfer of such property.



Any person subject to this Order charged with any breach of this paragraph shall be liable to, and on conviction punishable under this Order by, a fine not exceeding 500 rupees, or the total value of the property purporting to be so transferred (whichever is greater), or imprisonment up to one calendar month, or both.

(b) Any such deed, or instrument of gift, purchase, mortgage, or other form of conveyance, purporting to transfer property otherwise than in accordance with the provision of (a) above may, on that ground alone, be declared void and of no effect by any Court acting under this Order.

77. The Political Resident may, from time to time, make rules of procedure and other rules, consistent with this Order, for the better execution of the provisions herein contained in respect of any matter arising in the course of any civil or criminal case, including insolvency and bankruptcy proceedings. These rules shall be approved by the Secretary of State before they enter into force.

78.—(1) The Political Resident may, from time to time, make rules imposing fees leviable in respect of any proceedings in, or processes issued out of, any Court established under this Order. These rules shall be approved by the Secretary of State, with the concurrence of the Treasury, before they enter into force.

(2) But a Court before which any matter is pending may, in any case, if it thinks fit, on account of the poverty of a party, or for any other reason, dispense in whole or in part with the payment of any fees chargeable in respect of such matter.

79.—(1) All fees, charges, expenses, costs, fines, damages, and other money payable under this Order or under any law made applicable by this Order, may be enforced under order of the Court by seizure and sale of goods, and in default of sufficient goods, by imprisonment as a civil prisoner for a term not exceeding one month, but such imprisonment shall not operate as a satisfaction or extinguishment of the liability.

(2) Any bill of sale or mortgage or transfer of property made with a view of avoiding such seizure or sale shall not be effectual to defeat the provisions of this Order.

(3) All fees, penalties, fines and forfeitures levied under this Order, and fees, other than actual Court fees, that may be levied under the provisions of this Order shall be paid to the public account, and shall be applied in such manner as the Secretary of State, with the consent of the Treasury, may direct.

80. Whenever an acting Political Agent or Assistant Judge has commenced the hearing of any cause or matter, civil or criminal, he may, unless the Chief Court otherwise directs, continue and complete the hearing and determination thereof, notwithstanding that his authority to act as Political Agent or Assistant Judge has otherwise ceased by reason of the expiration of the time for which he was appointed to act or by reason of the happening of any event by which his authority is determined.

81. The Political Resident or the Political Agent may exercise any power conferred on any Justices of the Peace within His Majesty's dominions by any Act of Parliament, for the time being in force, regulating merchant seamen or the mercantile marine.

82. Where under the Merchant Shipping Act, 1894, anything is authorised to be done by, to or before a consular officer, such thing may be done in any place in Kuwait by, to, or before the Political Resident or the Political Agent.

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83. The Political Resident and the Political Agent shall each be entitled in Kuwait to act as a Notary Public.

84. The Court shall have jurisdiction from time to time to make an order requiring a person to whom this Order applies to contribute in such manner as the Court directs to the support of his wife, or to the support of his or her child, whether legitimate or not, being in the opinion of the Court under the age of 16 years. Any such order may be made in a summary way as if the neglect to provide for the support of such wife or child were an offence, and any failure to comply with any such order shall be deemed to be an offence, and shall be punishable with a fine not exceeding by more than 10 rupees the amount unpaid under the said order, and the Court may direct any fine imposed for such offence to be applied for the support of such wife or child in such manner as the Court thinks fit.

85. The Political Resident shall have power to make Regulations (to be called King's Regulations) for the following purposes (that is to say):—

- (a) For the peace, order, and good government of persons to whom this Order applies in relation to matters not provided for by this Order.
- (b) For securing the observance of any Treaty or arrangement for the time being in force, relating to any place within the limits of this Order, or of any native or local law or custom, whether relating to trade, commerce, revenue, or any other matter.
- (c) For applying, amending, modifying or repealing with respect to Kuwait any Acts or enactments which apply, or are made applicable, or have been brought into operation in Kuwait, by or under any of the provisions of Article 11 or 12 of this Order.
- (d) For regulating or preventing the importation or exportation of arms or munitions of war, or any parts or ingredients thereof, and for giving effect to any Treaty relating to the importation or exportation of the same.
- (e) For requiring returns to be made of the nature, quantity and value of articles exported from or imported into Kuwait, by or on account of any person to whom this Order applies, or in any British ship, and for prescribing the times and manner at or in which and the persons by whom, such returns are to be made.
- (f) For the governance, visitation, care, and superintendence of prisons.
- (g) For the recovery of lighting and other dues from shipping.

86.—(1) Any Regulations made under the preceding Article may provide for forfeiture of any goods, receptacles, or things in relation to which, or to the contents of which, any breach is committed of such Regulations, or of any Treaty or any native or local law or custom the observance of which is provided for by such Regulations.

(2) Any person to whom this Order applies committing a breach of any such Regulations shall, in addition to any forfeiture prescribed thereby, be liable, on conviction, to imprisonment for a period not exceeding two years or to a fine or to both.

(3) Any fine imposed for a breach of Regulation shall not exceed 1,500 rupees: provided that in the case of any breach of any native or local law relating to customs law, or under which the importation or exportation of any goods is prohibited or restricted, the fine may extend to a sum equivalent to treble the value of the goods in relation to which the breach is committed.



87.—(1) King's Regulations shall not take effect until they are allowed by the Secretary of State; provided that in case of urgency declared in any such Regulations the same shall take effect before such allowance, and shall continue to have effect unless and until they are disallowed by the Secretary of State, and until notification of such disallowance is received and published by the Political Resident, and such disallowance shall be without prejudice to anything done or suffered under such Regulations in the meantime.

(2) All King's Regulations shall be published by the Political Resident in such manner and at such places as he may think proper.

(3) In this Order "breach of the Regulations" includes the breach of any native or local law or custom, the observance of which is required by any King's Regulations.

88. Judicial notice shall be taken of this Order and of the commencement thereof, and of the appointment of the Political Resident, Political Agent, and the Assistant Judge, and of the constitution and limits of the Courts and districts and of the seals and signatures, and of any rules and regulations made or in force under this Order, and no proof shall be required of any of such matters.

89. The Court shall recognise and apply any reasonable custom existing in Kuwait, unless this Order contains some express and specific provision incompatible with the observance thereof.

90. Nothing in this Order shall—

- (i) Affect any jurisdiction for the time being exercisable by the Court of the Political Resident under any Act of Parliament of the United Kingdom other than the Foreign Jurisdiction Act, 1890; or
- (ii) Prevent the Court of the Political Agent from doing anything which His Majesty's Consuls in the dominions of any State in amity with His Majesty are for the time being by law, usage or sufferance entitled or enabled to do.

91. Not later than the 31st day of March in each year, or such other day as the Secretary of State directs from time to time, the Political Resident shall send to the Secretary of State a report on the operation of this Order up to the 31st day of December in the previous year, or such other date as the Secretary of State directs from time to time, showing for the preceding twelve months the number and nature of the proceedings, criminal and civil, taken under this Order, and the result thereof, and the number and amount of fees received, and such other information, and being in such form as the Secretary of State from time to time directs.

92.—(1) As from the commencement of this Order the Kuwait Order in Council, 1935, shall be repealed; but this repeal shall not—

- (a) Affect the past operation of that Order or any appointment made, or any right, title, obligation, or liability accrued, or the validity or invalidity of anything done or suffered under that Order, before the making of this Order;
- (b) Interfere with the institution or prosecution of any proceeding or action, criminal or civil, in respect of any offence committed against or forfeiture incurred or liability accrued under or in consequence of any provision of that Order or any regulation confirmed by any such Order or made thereunder;
- (c) Take away or abridge any protection or benefit given or to be enjoyed in relation thereto.



'File 7/1 IV General correspondence regarding Kuwait Order in Council (1949) and King's Regulations made under the Kuwait Order in Council' [29r] (57/240)

(2) Notwithstanding the repeal of the Order aforesaid, all rules and regulations approved or confirmed by or under such Order so repealed shall continue and be as if this Order had not been made; but so that the same may be revoked, altered, or otherwise dealt with under this Order, as if they had been made under this Order.

(3) Criminal or civil proceedings begun under the Order repealed by this Order, and pending at the time when this Order comes into operation, shall, from and after that time, be regulated by the provisions of this Order, as far as the nature and circumstances of each case admit.

93.—(1) A printed copy of this Order, and of all Rules of Procedure and other Rules for the time being in force under this Order, shall be kept open to inspection free of charge in the Office of the Political Agent and of each Court established under this Order.

(2) Printed copies thereof shall be sold in Kuwait at such reasonable price as the Political Agent from time to time directs.

94. This Order shall be laid before Parliament and shall come into force on 12th April, 1949.

The Right Honourable Ernest Bevin, His Majesty's Principal Secretary of State for Foreign Affairs is to give the necessary directions herein.

E. C. E. Leadbitter.

SCHEDULE

INDIAN ACTS APPLIED

The Indian Penal Code, 1860 (Act XLV of 1860).

The Indian Divorce Act, 1869 (Act IV of 1869), except so much as relates to divorce and nullity of marriage.

The Bombay Civil Courts Act, 1869 (Act XIV of 1869), except sections 6, 15, 23, 32, 33, 34, 38 to 43 (both inclusive), the last clause of section 19, and the last two clauses of section 22.

The Indian Court Fees Act, 1870 (Act VII of 1870).

The Indian Evidence Act, 1872 (Act I of 1872).

The Indian Contract Act, 1872 (Act IX of 1872).

The Indian Christian Marriage Act, 1872 (Act XV of 1872).

The Indian Oaths Act, 1873 (Act X of 1873).

The Indian Majority Act, 1875 (Act IX of 1875).

The Births, Deaths and Marriages Registration Act of 1886 (Act VI of 1886).

The Provincial Small Cause Courts Act, 1887 (Act IX of 1887).

The Prevention of Cruelty to Animals Act, 1890 (Act XI of 1890).

The Code of Criminal Procedure, 1898 (Act V of 1898), except Chapter XXXIII.

So much of the Indian Post Office Act, 1898 (Act VI of 1898), as relates to offences against the Post Office.

The Code of Civil Procedure, 1908 (Act V of 1908).

The Indian Limitation Act, 1908 (Act IX of 1908), so far as it applies to appeals and applications.

The Whipping Act, 1909 (Act IV of 1909).

The Indian Lunacy Act, 1912 (Act IV of 1912).

The Indian Companies Act, 1913 (Act VII of 1913).

The Indian Merchant Shipping Act, 1923 (Act XXI of 1923), Part IV, except Sections 174 to 192, inclusive, and sub-section 3 of Section 213.

The Indian Succession Act, 1925 (Act XXXIX of 1925).

And the enactments relating to insolvency and bankruptcy in force in the Presidency of Bombay beyond the limits of the ordinary original jurisdiction of the High Court of Judicature of Bombay.



EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

1. This Order-in-Council relating to Kuwait should be read with the Orders relating to Bahrein, Qatar, Muscat, and the Trucial States which were made at the same time as this Order.

2. In the territory of all these States, by agreement with their rulers, His Majesty exercises jurisdiction over certain persons and property. The extent of this jurisdiction varies slightly in the different States. This jurisdiction has been exercised under Order-in-Council made for each State or the Trucial States group under the Foreign Jurisdiction Act, 1890.

3. The Orders were *mutatis mutandis* the same for each State or group of States and have a certain unity arising from the fact that the Political Resident in the Persian Gulf is His Majesty's Principal Representative and is also the Chief Judge of the superior Court in each State or group of States.

4. Prior to 14th August, 1947, the Governor-General of India exercised a number of powers under these Orders-in-Council, and the Indian Codes were the foundation of the law applied in these territories. After the entry into force of the Indian Independence Act, 1947, it was decided that the Orders must be amended to transfer elsewhere all powers hitherto exercised by the Governor-General of India, and this is one of the principal objects to be achieved by the present Order and similar ones made for the other Persian Gulf States.

5. At the same time it was decided to make certain minor changes in the constitution of the Courts set up under the Orders and in particular to provide:—

(i) for a professional legal judge to sit in the Superior Court as assistant judge to the Political Resident:

(ii) for a suitable Court of Appeal on which professional judges would sit, chosen *ad hoc* from a panel consisting of the Judges of the High Courts of Cyprus and Kenya and members of the Bar of England, Scotland and Northern Ireland of not less than 9 years standing.

6. Finally it was desired to provide that a case occurring in any one of the States could, when desirable, be transferred for trial in any other and that persons sentenced to imprisonment by the court in any one of the States could be removed to serve his sentence in any other of the States.

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E4562/1645/91

26th May, 1949.

Dear Residency,

Your letter No.85/36/49 of the 2nd May about the Kuwait Orders in Council 1949.

2. The Legal Advisers consider that the mistake is an obvious misprint which can be treated as such, the paragraph being read as if the word "Kuwait" appeared for "Trucial States". In their view an Amending Order merely to make a correction is unnecessary unless the error causes any practical difficulty. On the other hand the matter should be put right as soon as an appropriate opportunity offers and if a number of other errors of a substantial nature come to light an Amending Order might become desirable.

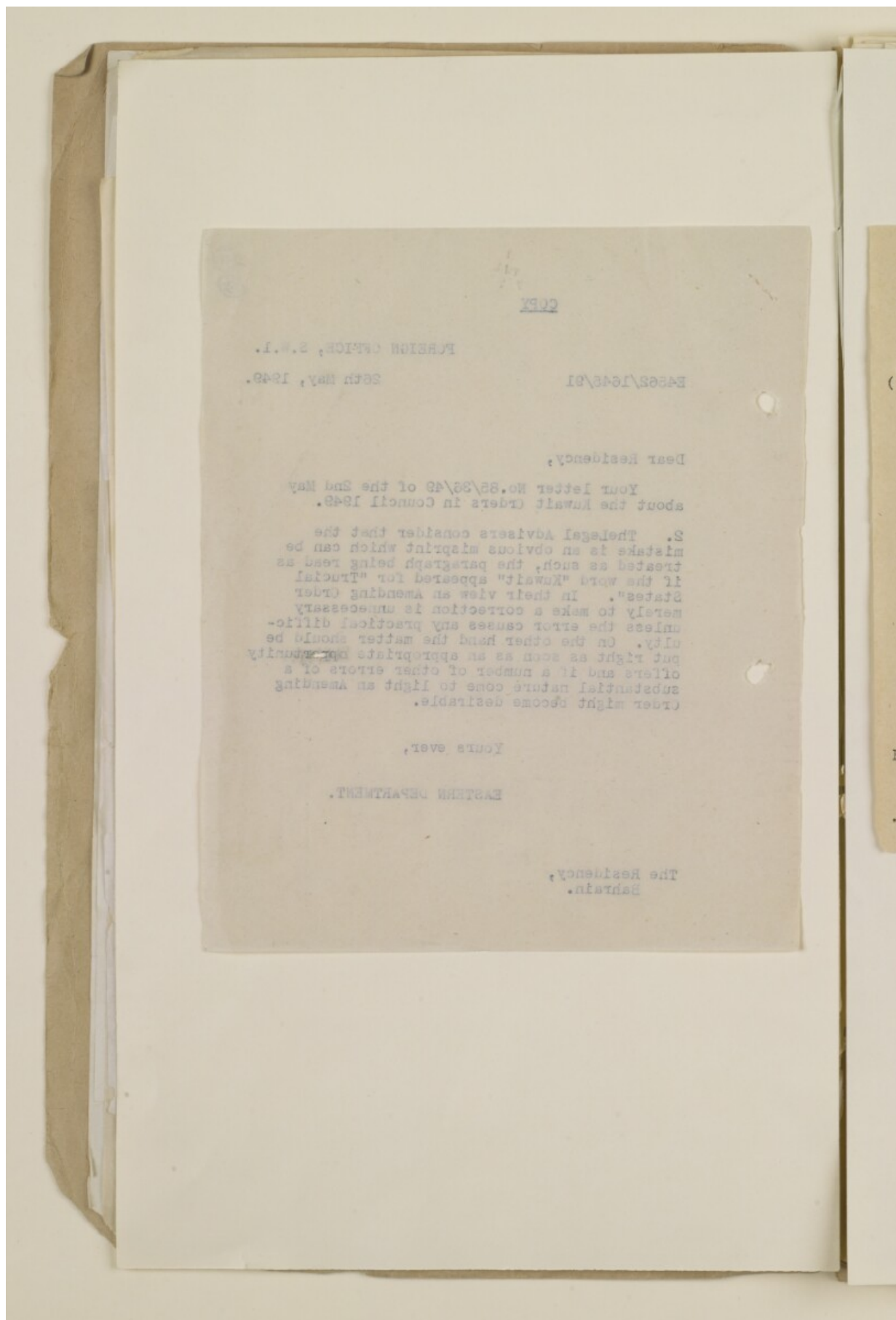
Yours ever,

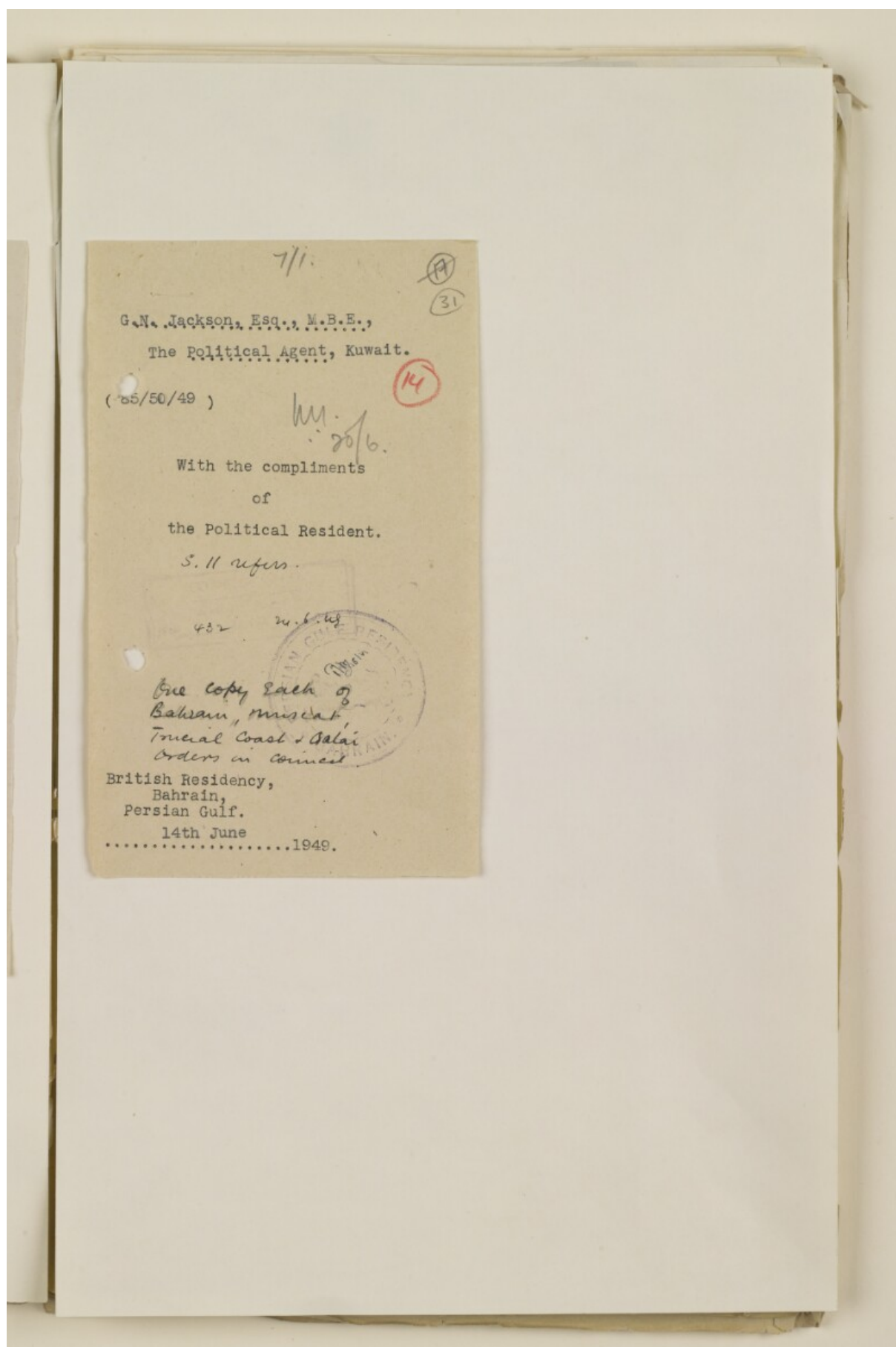
EASTERN DEPARTMENT.

The Residency,
Bahrain.



'File 7/1 IV General correspondence regarding Kuwait Order in Council (1949) and King's Regulations made under the Kuwait Order in Council' [30v] (60/240)





7/1.
G.N. Jackson, Esq., M.B.E.,
The Political Agent, Kuwait.

(85/50/49)

With the compliments
of
the Political Resident.

S. H. refers.

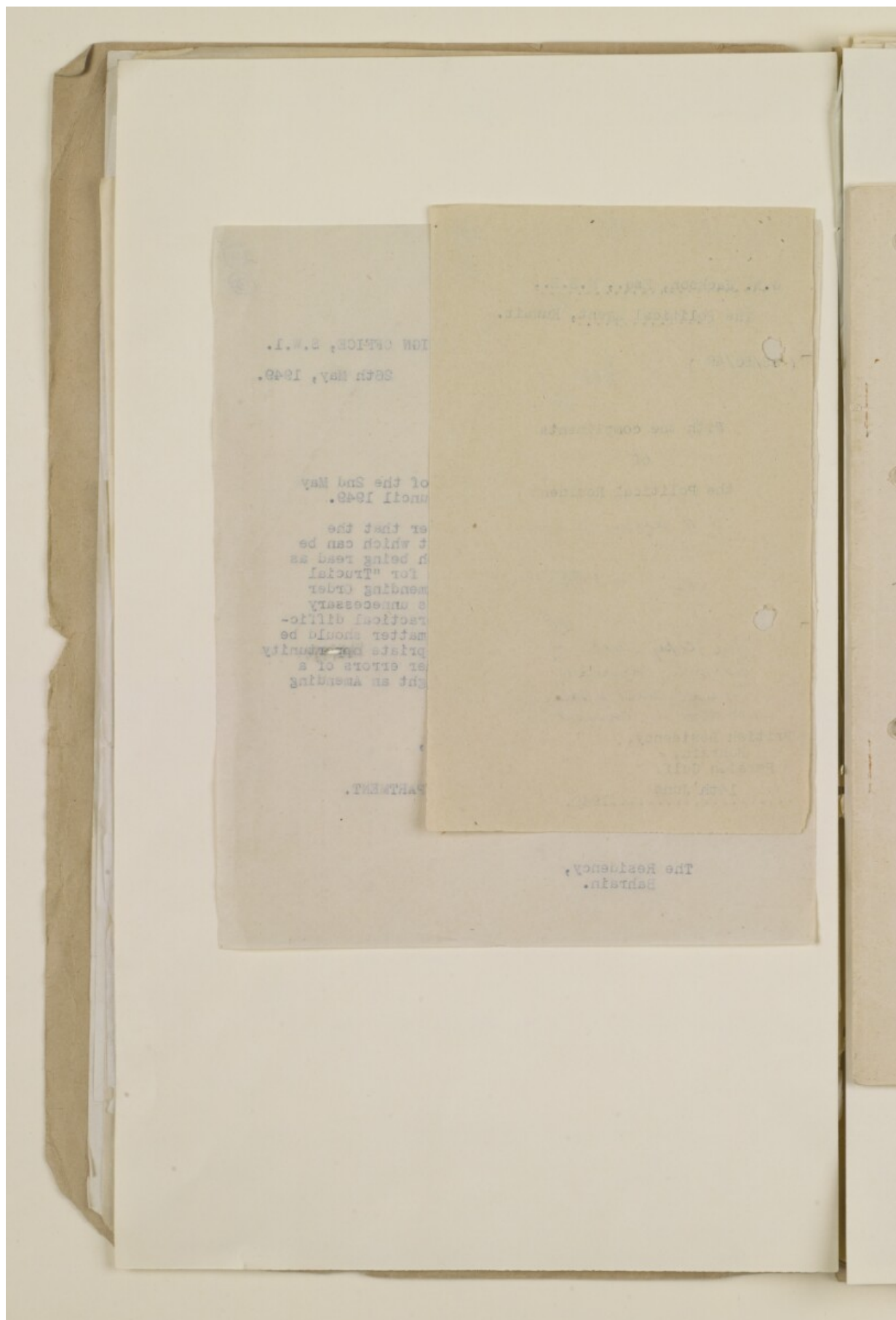
432 24.6.49
One copy each of
Bahrain, Muscat,
Tamil Coast & Malai
Orders in Council
British Residency,
Bahrain,
Persian Gulf.

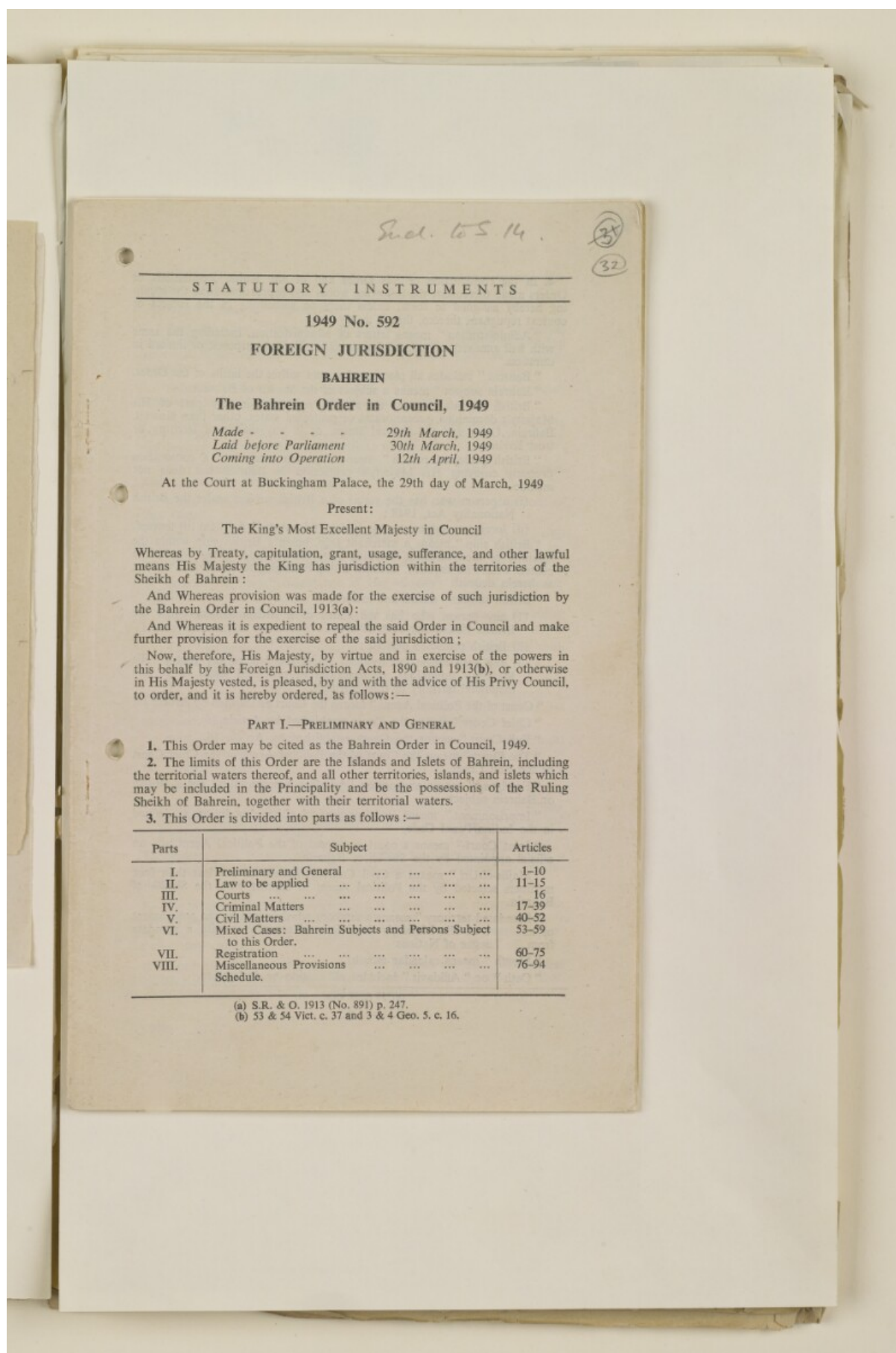
14th June

.....1949.



'File 7/1 IV General correspondence regarding Kuwait Order in Council (1949) and King's Regulations made under the Kuwait Order in Council' [31v] (62/240)





STATUTORY INSTRUMENTS

1949 No. 592

FOREIGN JURISDICTION

BAHREIN

The Bahrein Order in Council, 1949

Made - - - - - 29th March, 1949
Laid before Parliament 30th March, 1949
Coming into Operation 12th April, 1949

At the Court at Buckingham Palace, the 29th day of March, 1949

Present:

The King's Most Excellent Majesty in Council

Whereas by Treaty, capitulation, grant, usage, sufferance, and other lawful means His Majesty the King has jurisdiction within the territories of the Sheikh of Bahrein:

And Whereas provision was made for the exercise of such jurisdiction by the Bahrein Order in Council, 1913(a):

And Whereas it is expedient to repeal the said Order in Council and make further provision for the exercise of the said jurisdiction;

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1890 and 1913(b), or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

PART I.—PRELIMINARY AND GENERAL

1. This Order may be cited as the Bahrein Order in Council, 1949.
2. The limits of this Order are the Islands and Islets of Bahrein, including the territorial waters thereof, and all other territories, islands, and islets which may be included in the Principality and be the possessions of the Ruling Sheikh of Bahrein, together with their territorial waters.
3. This Order is divided into parts as follows:—

Parts	Subject	Articles
I.	Preliminary and General	1-10
II.	Law to be applied	11-15
III.	Courts	16
IV.	Criminal Matters	17-39
V.	Civil Matters	40-52
VI.	Mixed Cases: Bahrein Subjects and Persons Subject to this Order.	53-59
VII.	Registration	60-75
VIII.	Miscellaneous Provisions	76-94
	Schedule.	

(a) S.R. & O. 1913 (No. 891) p. 247.

(b) 53 & 54 Vict. c. 37 and 3 & 4 Geo. 5. c. 16.



4. In the construction of this Order and of any Rules, Regulations or Orders made thereunder the following words and expressions have the meaning hereby assigned to them, unless there be something in the subject or context repugnant thereto, that is to say:—

"Administration" means letters of administration, including the same with will annexed, or granted for special or limited purposes, or limited in duration.

"Bahrein" includes all places and waters within the limits of the Order.

"Bahrein subject" means a subject of the Sheikh of Bahrein.

"British aircraft" means an aircraft registered in any part of His Majesty's dominions, protectorates or protected states, other than Kuwait, Bahrein, Qatar and the Trucial States, or in any mandated territory or trust territory.

"British protected person" means a person other than a corporation properly enjoying His Majesty's protection in Bahrein but does not include—

(i) a person who has the status of a British subject under the British Nationality Act, 1948 ;

(ii) foreigners subject to this Order under Article 8 (1) (a) (ii) thereof.

"British ship" means a merchant ship, being a British ship within the meaning of the Merchant Shipping Act, 1894(c), and, except where the context otherwise requires, includes a ship belonging to any British subject as herein defined.

"British subject" means and includes—

(1) any person who has the status of a British subject under the British Nationality Act, 1948 ;

(2) British protected persons ;

(3) any corporation incorporated under the law of any part of His Majesty's dominions, protectorates or protected states or of any mandated territory or trust territory.

"Court of the Political Agent" means the Court established by Article 16.

"Chief Court" means the Court established by Article 16.

"Full Court" means the Court established by Article 16.

"The Court" means the Court of the Political Agent or the Chief Court or the Full Court.

"Foreigner" means any person (including a corporation) not a British or Bahrein subject.

"Imprisonment" means imprisonment of either description as defined in the Indian Penal Code.

"Joint Court" means a court composed of the Political Agent and an official appointed by the Sheikh of Bahrein.

"Majlis-el-Urf" means a Civil Court composed of not less than four members selected by the Political Agent in concert with the Sheikh of Bahrein.

"Mandated territory" means a territory administered by the government of any part of His Majesty's dominions in accordance with a mandate from the League of Nations.

"Month" means calendar month.

"Oath" or "Affidavit" includes affirmation or declaration.

(c) 57 & 58 Vict. c. 60.



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"Offence" means any act or omission made punishable by any law for the time being in force.

"Person" includes corporation.

"Political Agent" means His Majesty's Agent at Bahrain, appointed by the Secretary of State including a person acting temporarily with the approval of the Secretary of State for such Political Agent or his representative.

"Political Agency" means the Office, Residence, Court or other appointed place of business of the Political Agent.

"Political Resident" means His Majesty's Political Resident in the Persian Gulf, including a person acting temporarily with the approval of the Secretary of State for such Political Resident.

"Qazi" means any official Qazi appointed by the Sheikh of Bahrain and accepted by the Political Agent.

"Rules of Court" means rules of Court made under the provisions of this Order.

"Salifah Court" means a Court consisting of one or more Judges who have knowledge of the local diving and customary marine law and are appointed by the Sheikh of Bahrain and the Political Agent in concert.

"Secretary of State" means one of His Majesty's Principal Secretaries of State.

"Sheikh of Bahrain", hereinafter called "the Sheikh", means the ruling Sheikh of Bahrain, or his duly accredited representative for the time being.

"Ship" includes any vessel used in navigation, however propelled, with her tackle, furniture, and apparel, and any boat or other craft.

"Treaty" includes any capitulations, convention, agreement or arrangement made by or on behalf of His Majesty with any State or Government, King, Chief, people, or tribe, or to the benefits of which His Majesty has succeeded, whether the Sheikh is or is not a party thereto.

"Trust territory" means a territory administered by the government of any part of His Majesty's dominions under the trusteeship system of the United Nations.

"Will" means will, codicil, or other testamentary instrument.

The expressions "person to whom this Order applies" and "person subject to this Order" mean the persons referred to in sub-paragraphs (a) (i) (ii) and (iii) of paragraph (1) of Article 8.

Expressions used in any enactments applied to Bahrain shall, unless a contrary intention appears, have the same respective meanings as in this Order.

5.—(1) In this Order words importing the plural or the singular may be construed as referring to one person or thing or to more than one person or thing, and words importing the masculine as referring to the feminine, as the case may require.

(2) Where this Order confers any power or imposes any duty, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.



(3) Where this Order confers a power, or imposes a duty on, or with respect to, a holder of an office as such, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed by, or with respect to, the holder for the time being of the office or the person temporarily acting for the holder.

(4) Where this Order confers a power to make any rules, regulations, or orders, the power shall, unless a contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, vary or amend the rules, regulations or orders.

(5) This Article shall apply to the construction of any regulations, rules, or orders made under this Order, unless a contrary intention appears.

6. Where this Order refers to any specified Act or Acts of Parliament, such reference shall, unless a contrary intention appears, be deemed to include any Act or Acts amending or substituted for the same. In the case of references to enactments of the Indian Legislature, the reference shall be to enactments in force on 14th August, 1947.

7. In the event of there being no Political Agent (including any person acting temporarily on his behalf under Article 5 (3)) available, all and every the powers, authorities, and immunities by this Order granted to him shall, until His Majesty's further pleasure is signified through the Secretary of State, be vested in the Political Resident.

8.—(1) The powers conferred by this Order shall extend to the persons and matters following, in so far as by treaty, grant, usage, sufferance, or other lawful means, His Majesty has jurisdiction in relation to such persons, matters, and things, that is to say :—

- (a) (i) British subjects within the limits of this Order.
- (ii) Foreigners with respect to whom the Sheikh of Bahrain has agreed with His Majesty for, or consented to, the exercise of jurisdiction by His Majesty.
- (iii) Bahrain subjects registered in the Political Agency as being in the regular service of British subjects or foreigners; with the proviso that all cases wherein such Bahrain subjects are concerned shall be dealt with in accordance with the provisions of Part VI of this Order.
- (b) The property and all personal or proprietary rights and liabilities within the said limits of all British subjects and of foreigners within sub-paragraph (ii) above and of Bahrain subjects within sub-paragraph (a) (iii) above, whether such persons are themselves within or without the limits of this Order.
- (c) British ships and ships belonging to foreigners within the limits of sub-paragraph (ii) above with their boats, and the persons and property on board thereof, or belonging thereto, being within the limits of this Order; provided that jurisdiction over foreign ships shall not be exercised otherwise than according to the practice followed in the exercise of such jurisdiction by the High Court of Judicature at Bombay on 14th August, 1947.
- (d) British aircraft and aircraft belonging to foreigners within the limits of sub-paragraph (ii) above, being within the limits of this Order.
- (e) British subjects outside the limits of this Order on whom a writ of summons or other process may be served in accordance with Rules of Court.

(2) If a question arises whether any place is within the limits of this Order or whether any person is a British protected person or a foreigner as



defined in this Order, such question may be referred by the Court to the Political Resident, and a certificate under his hand and seal shall be conclusive on the question, and judicial notice shall be taken thereof.

9. All His Majesty's jurisdiction exercisable within the limits of this Order for the hearing and determination of criminal and civil matters, or for the maintenance of order or for the control or administration of persons or property, or in relation thereto, shall be exercised under and according to the provisions of this Order, so far as this Order extends and applies.

10. Every judge and officer of the Courts established under this Order shall, as far as there is proper opportunity, promote reconciliation and encourage and facilitate the settlement in an amicable way, and without recourse to litigation, of matters in difference between persons subject to this Order, or between persons subject to this Order and persons within the limits of this Order who are not subject to this Order.

PART II.—LAW TO BE APPLIED

11.—(1) Subject to the other provisions of this Order His Majesty's criminal and civil jurisdiction in Bahrein shall, so far as circumstances admit, be exercised on the principles of, and in conformity with, the enactments applicable as hereinafter mentioned of the Indian Legislature and of the Bombay Legislature, and in accordance with the powers vested on 14th August, 1947, in the Courts in the province of Bombay beyond the limits of the ordinary original jurisdiction of the High Court of Judicature at Bombay, and with the practice and procedure observed by and before those Courts at that date, according to their respective jurisdiction and authority, and so far as such enactments, powers, practice and procedure are inapplicable shall be exercised in accordance with justice, equity and good conscience.

(2) The enactments mentioned in the schedule to this Order shall as from the date of the commencement of this Order apply to all persons subject to this Order as they applied on 14th August, 1947, in the province of Bombay, but subject to the following adaptations and modifications:—

- (i) All references in the said enactments to "British India" or any part thereof shall, except where the context otherwise requires, be construed as references to the limits of this Order and all references therein to the "Central Government" and the "Provincial Government" shall, except as otherwise provided or where the context otherwise requires, be construed as references to the Secretary of State and Political Resident respectively.
- (ii) For the purpose of facilitating the application of the said enactments, the Political Resident may, by order in writing, direct by what officers any power conferred by the said enactments on authorities other than the Central Government and the Provincial Government shall be exercisable.
- (3) Any other enactments of the Indian Legislature or of the Bombay Legislature in force in the province of Bombay on 14th August, 1947, may be applied to Bahrein by King's Regulations under Article 85 of this Order.
- (4) The Court may construe any enactments in force in Bahrein, under the provisions of this Article, with such alterations not affecting the substance as may be necessary or proper to adapt the same to the matter before the Court.



12.—(1) The following enactments shall apply to Bahrein as if it were a British Colony or Possession but subject to the provisions of this Order and to the exceptions, adaptations, and modifications specified in paragraph (2) of this Article and in Article 23 below:—

- (i) The Admiralty Offences (Colonial) Acts, 1849 and 1860(d).
- (ii) The Foreign Tribunals Evidence Act, 1856(e).
- (iii) The Evidence by Commission Acts, 1859 and 1885(f).
- (iv) The British Law Ascertainment Act, 1859(g).
- (v) The Foreign Law Ascertainment Act, 1861(h).
- (vi) The Fugitive Offenders Act, 1881(i).
- (vii) The Merchant Shipping Act, 1894, Part XIII.

(2) (i) References in any of the said Acts to the Governor of a Colony or British Possession, to a Superior Court or Supreme Court, and to a Magistrate or Justice of the Peace of a Colony or British Possession shall be construed respectively as references to the Political Resident, the Full Court or the Chief Court and the Court of the Political Agent.

(ii) With respect to the Fugitive Offenders Act, 1881:—

(a) The Act shall extend only to British subjects.

(b) So much of the 4th and 5th sections of the said Act as relates to sending a report of the issue of a warrant together with the information or a copy thereof, or to the sending of a certificate of committal and report of a case, or to the information to be given by a Magistrate to a fugitive shall be excepted, and in lieu of such information the person acting as the Magistrate shall inform the fugitive that in the British Possession to which he may be conveyed he has the right to apply for a writ of *habeas corpus* or other like process.

(c) So much of the 6th section of the said Act as requires the expiration of fifteen days before issue of warrant shall be excepted.

(d) The Political Resident shall not be bound to return a fugitive offender to a British Possession unless satisfied that the proceedings to obtain his return are taken with the consent of the Governor of that Possession.

(e) For the purposes of Part II of the said Act, Muscat, Bahrein, Kuwait, Qatar and the Trucial States, shall be deemed to be one group of British Possessions.

13. The Colonial Prisoners Removal Act, 1884(j), shall apply to Bahrein as if it were a British Possession, but references to the Governor of a British Possession shall be construed as references to the Political Resident.

14. Where, by virtue of any Act of Parliament of the United Kingdom, or of this Order, or otherwise, any provisions of any Acts of Parliament of the United Kingdom, or of any Law in force in India, or of any Orders in Council other than this Order, are applicable within the limits of this Order, or any forms, regulations, or procedure prescribed or established by or under such Act, Law, or Order, are made applicable for any purpose of this Order, or any other Order relating to Bahrein, such Acts, Laws, Orders, forms, regulations, or procedure may be construed or used with such alterations and adaptations not affecting the substance as may be necessary having regard to local circumstances, and anything required to be done by, to, or

(d) 12 & 13 Vict. c. 96 and 23 & 24 Vict. c. 122.

(f) 22 Vict. c. 20 and 48 & 49 Vict. c. 74.

(h) 24 & 25 Vict. c. 11.

(e) 19 & 20 Vict. c. 113.

(g) 22 & 23 Vict. c. 63.

(i) 44 & 45 Vict. c. 69.

(j) 47 & 48 Vict. c. 31.



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before any Court, Judge, Officer, or Authority may be done by, to, or before a Court, Judge, Officer, or Authority having the like or analogous functions, or by, to, or before any Officer designated by the Secretary of State or by the Court (as the case may require) for that purpose; and in case any difficulty occurs in the application the Secretary of State may direct by, to, or before whom and in what manner anything is to be done, and such Act, Law, Order, form, regulation or procedure shall be construed accordingly.

Where, under any such Act of Parliament, Law, or Order, any publication is required to be made as respects any judicial proceeding in any "Gazette" or otherwise, such publication shall be made by such mode as the Court shall think fit to direct.

15. All orders, criminal or civil, duly made by a Court under the Kuwait, Qatar, Muscat and Trucial States Orders may, on application to the Court, be rendered enforceable within the limits of this Order as if they were orders of the Court.

PART III.—COURTS

16.—(1) For the purposes of the exercise of jurisdiction under this Order, there shall be constituted and maintained:—

- (i) The Court of the Political Agent;
- (ii) The Chief Court;
- (iii) The Full Court.

(2) (i) The Court of the Political Agent shall have the powers and jurisdiction:

- (a) in criminal matters of a District Magistrate and Sessions Judge;
- (b) in civil matters of a District or principal Civil Court of original jurisdiction in the district.

(ii) The Political Agent and such other officers as may from time to time be appointed for this purpose by the Secretary of State shall be the Judges of the Court of the Political Agent and shall have the powers of a District Magistrate and Sessions Judge and of a District Judge.

(3) (i) The Chief Court shall have the powers and jurisdiction:

- (a) in criminal matters of a High Court of Judicature;
- (b) in civil matters of the highest Court of Appeal for the district, and shall hear appeals from the Court of the Political Agent.

(ii) The Judges of the Chief Court shall be the Political Resident and the Assistant Judge. The Assistant Judge shall be appointed by order of the Secretary of State and shall be a person who has held judicial office under the Crown or been a Member of the Bar of England, Scotland or Northern Ireland of not less than 9 years' standing. Each Judge of the Chief Court may exercise all the powers and jurisdiction of the Court.

(4) (i) The Full Court shall have jurisdiction to hear and determine all appeals from the Chief Court and shall, as far as circumstances permit, follow the procedure and practice laid down in the Indian Codes of Criminal and Civil Procedure with regard to appeals. Appeals in civil matters shall only be by leave of the Chief Court.



(ii) The Full Court shall sit in accordance with arrangements from time to time made by the Political Resident, and shall be composed of not more than three and not less than two members nominated by the Political Resident from among the following :—

The Political Resident

The Assistant Judge

Any Judge of the High Court of Kenya

Any Judge of the High Court of Cyprus

Any Member of the Bar of England, Scotland and Northern Ireland of not less than 9 years' standing.

(iii) Unless the Political Resident is sitting as a member of the Full Court, the senior member of the Court shall preside. In case of difference of opinion in the Full Court of three members, the decision shall be in accordance with the decision of the majority. In the case of a difference of opinion in the Full Court of two members, the decision under appeal shall stand, but the Political Resident may cause a third member to be added to the Court after the close of the hearing, who may participate in the decision after studying the record.

(5) Appeals from the Full Court to His Majesty in Council shall be either by leave of the Full Court or by special leave of His Majesty in Council. Rules of Court shall provide for the procedure to be followed with regard to appeals to His Majesty in Council.

PART IV.—CRIMINAL MATTERS

17.—(1) Subject to the other provisions of this Order the Code of Criminal Procedure and the other Indian enactments relating to the administration of criminal justice made applicable to all persons subject to this Order shall apply to, and have effect in, Bahrain as if it were a district in the province of Bombay. The powers of the Central Government and of the Provincial Government under those enactments shall be exercisable by the Secretary of State.

Notwithstanding anything in the previous provisions of this paragraph, or in the enactments therein referred to, in any case involving an offence punishable under Chapters XVI to XXIII inclusive of the Indian Penal Code which under the second schedule of the Indian Code of Criminal Procedure is triable by a magistrate of the second or third class, the Political Agent may, if both the complainant and the defendant are Muhammadans and are acquiescent in such procedure, order the case to be tried by a Qazi, a representative from the Court of the Political Agent attending to record briefly the proceedings. In such cases the judgment passed by the Qazi shall not be carried into effect until it is ratified by the Court of the Political Agent, and the Court of the Political Agent shall have power to revise the finding and sentence as if the Qazi were a subordinate Magistrate, or to return the case for retrial to the same or another Qazi. The sentence of the Qazi, when ratified by the Court of the Political Agent, shall for all purposes be regarded as if it were the decision of the Court of the Political Agent.

(2) Any jurisdiction exercisable by the Chief Court in criminal matters under this Order may be exercised by that Court either within the limits of this Order or elsewhere within the limits of the Kuwait, Qatar, Muscat and Trucial States Orders.



18. In cases in which the Code of Criminal Procedure requires the sentence of a Court of Session to be confirmed by the High Court, the sentence shall be referred for confirmation to the Secretary of State instead of to the Chief Court.

19.—(1) Where a person subject to the Order is accused of the commission of an offence cognisable by the Court of the Political Agent, the Chief Court may, where it appears so expedient, by warrant under the hand and seal of the Political Resident, cause the accused to be sent for trial by the Court of the Political Agent established by Order in Council in Qatar, Kuwait, Muscat and Oman or the Trucial States.

(2) The warrant shall be sufficient authority to any person to whom it is directed to receive and retain the person therein named and to carry him to and deliver him up at Qatar, Kuwait, Muscat and Oman or Trucial States according to the warrant.

(3) Where any person is to be sent to Qatar, Bahrein, Kuwait, Muscat and Oman or the Trucial States, the Court before which he is charged shall take the preliminary examination, and shall bind over such of the proper witnesses as are British subjects in their own recognisances to appear and give evidence on the trial.

(4) Where a person subject to the Kuwait, Qatar, Muscat and the Trucial States Orders is accused of an offence committed within the limits of the aforesaid Orders and has by warrant under seal of the Political Resident been sent for trial in Bahrein, the Court shall have power to try the case as if the alleged offence had been committed within the limits of this Order by a person subject to this Order.

20.—(1) The Political Resident may from time to time, subject to the directions of the Secretary of State, by general order under his hand and seal, prescribe the manner in which, and the places within the limits of this Order or the Kuwait, Qatar, Muscat and Trucial States Orders at which, sentences passed by the Court are to be carried into execution. He may appoint any building or place specified in the order to be a prison for the purposes of this Order, and such persons as he thinks fit to be gaolers, keepers or officers of any such prison.

(2) If at the place at which any Court is held there is no place or building appointed as a prison in accordance with the preceding paragraph of this Article, it shall be lawful for any Court, by order or warrant under the seal of the Court, temporarily and for the purposes of any particular case or cases to appoint any place or building specified in the order to be a prison for the purposes of this Order, and such persons as the Court thinks fit to be keepers in such prison.

(3) A warrant under the seal of the Court shall be sufficient authority to the person or persons to whom it is directed to deliver and detain the person named therein according to the warrant at any prison appointed in accordance with the preceding paragraph of this Article.

(4) A warrant under the seal of any other Court acting under the Kuwait, Qatar, Muscat or Trucial States Orders shall be sufficient authority within the limits of this Order to the person or persons to whom it is directed to deliver and detain the person named therein according to the warrant at any prison appointed in accordance with the preceding paragraphs of this Article.

21.—(1) Without prejudice to the provisions of Article 22 of this Order, the Political Resident or the Political Agent acting under the authority



of the Political Resident may, by warrant under his hand and seal, order any person convicted by the Court and sentenced to imprisonment to be sent to and detained at any prison within the limits of this Order or the Kuwait, Qatar, Muscat or Trucial States Orders specified therein. Such prison may be a place appointed in accordance with the provisions of paragraph (1) of Article 20, or a place appointed temporarily and for the purpose of the particular case.

(2) The warrant of the Political Resident or the Political Agent acting under the authority of the Political Resident shall be sufficient authority to any person to whom it is directed to carry and deliver up the person therein named and to receive and detain him at the prison named according to the warrant.

(3) In any case where a person sentenced to imprisonment for a term exceeding one month is detained in a prison temporarily appointed in accordance with the provisions of paragraph (2) of Article 20, the Court by which the sentence was awarded shall report the case and the circumstances thereof to the Political Resident for his directions.

(4) Without prejudice to the provisions of Article 22, the Political Resident upon the receipt of such report may make an order under paragraph (1) of this Article, or may direct that the sentence shall continue to be served at the place where the prisoner is at present detained.

22.—(1) Where an offender convicted before any Court under this Order is sentenced to imprisonment, and the Political Resident proceeding under section 7 of the Foreign Jurisdiction Act, 1890, authority in that behalf being hereby given to him, considers it expedient that the sentence should be carried into effect elsewhere than within the limits of this Order, and the offender is accordingly sent for imprisonment to a place outside the limits of this Order, the place shall be either a place in some part of His Majesty's dominions the Government whereof consents that offenders may be sent thither under this Article, or a place in which by treaty, grant, usage, sufferance, or other lawful means His Majesty has jurisdiction.

(2) A warrant under the hand and seal of the Political Resident shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named and to carry him to and deliver him up at the place named according to the warrant.

23.—(1) In cases of murder or culpable homicide, if either the death or the criminal act which wholly or partly caused the death happened in Bahrain, a Court acting under this Order shall have the like jurisdiction over any person to whom this Order applies who is charged either as a principal offender or as an abettor as if both such criminal act and the death had happened in Bahrain.

(2) In the case of any offence committed on the high seas or within the Admiralty jurisdiction by any person who at the time of committing such offence was on board a British ship, or by any British subject on board a foreign ship to which he did not belong, the Court shall, subject to the provisions of this Order, have jurisdiction over such person as if the offence had been committed within its jurisdiction.

(3) In cases tried under this Article no different sentence can be passed from that which could have been passed in India if the crime had been tried there on 14th August, 1947.

(4) The foregoing provisions of this Article shall be deemed as well as the provisions of Article 12 (2) above to be adaptations, for the purposes



of this Order and of the Foreign Jurisdiction Act, 1890, of the following enactments, namely:—

- ✓ The Admiralty Offences (Colonial) Act, 1849 ;
- ✓ The Admiralty Offences (Colonial) Act, 1860 ;
- ✓ The Merchant Shipping Act, 1894, Part XIII ;

and those enactments shall apply accordingly, and be administered in Bahrein.

24. Where a person is convicted of an offence the Court before which he is convicted may, if it thinks fit at any time before he is discharged, require him to give security to the satisfaction of the Court for his future good behaviour, and for that purpose may, if it thinks fit, cause him to come or be brought before the Court.

25.—(1) Where it is shown by evidence on oath, to the satisfaction of the Court, that any person to whom this Order applies has committed, or is about to commit, an offence against this Order, or is otherwise conducting himself so as to be dangerous to peace and good order, or is endeavouring to excite enmity between the people of Bahrein and His Majesty, or is intriguing within the limits of this Order against His Majesty's power and authority, the Court may, if it thinks fit, by order under its seal, prohibit that person from being within the limits of this Order during any time therein specified, not exceeding two years, or alternatively may require him to give security for his future good behaviour.

(2) The Court, by order in writing under its seal, may vary any order of prohibition (not extending the duration thereof), and may revoke any order of prohibition.

(3) The Court shall forthwith report the order and the grounds thereof to the Chief Court, which shall forthwith report to the Secretary of State every order made under this Article, and the grounds thereof, and the proceedings thereunder.

26.—(1) If any person to whom this Order applies fails to give security for good behaviour or for keeping the peace when lawfully required to do so, or fails during the continuance of the security to keep the peace or be of good behaviour, or fails to comply with an order of prohibition made under this Order, the Court may, if it thinks fit, order that he be deported from any place within its jurisdiction as prescribed by this Order.

(2) If the order of deportation is made by the Court, it shall forthwith report to the Chief Court the order and the grounds thereof.

(3) Thereupon the person ordered to be deported, unless the Chief Court thinks fit otherwise to direct, shall, as soon as practicable and in the case of a person convicted either after execution of the sentence or while it is in course of execution, be removed in custody under warrant to the place named in the warrant.

(4) The place named in the warrant shall be:

- (i) a place in that part of His Majesty's dominion or in that protectorate, protected State, mandated territory or trust territory to which the person belongs or in that State of which the person is a national, or
- (ii) a place in another territory or State the Government of which consents to the reception of persons deported under this Order.

(5) The Court, on making an order of deportation, may, if it thinks fit, order the person to be deported to pay all or any part of the expenses of his



deportation, to be fixed by the Court in the order. Subject thereto, the expenses of deportation shall be defrayed as the Secretary of State, with the concurrence of the Treasury, may direct.

(6) The Chief Court shall forthwith report to the Secretary of State every order of deportation made under this Order, and the grounds thereof, and the proceedings thereunder.

(7) If a person deported under this Order returns to Bahrein without permission in writing of the Chief Court or the Secretary of State (which permission the Chief Court or the Secretary of State respectively may give), he shall be punished with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees, or with both.

(8) He shall also be liable to be forthwith again deported under the original or a new order, and a fresh warrant.

27. An appeal shall not lie against an order of prohibition or of deportation made under this Order.

28.—(1) Where under this Order a person is to be sent or removed or deported from any place within the jurisdiction of the Court as prescribed by this Order he shall, by warrant of the Court sealed with its seal, be detained, if necessary in custody or in prison, until a fit opportunity for his removal or deportation occurs, and then be put on board a vessel belonging to, or in the service of, His Majesty, or, if no such vessel is available, then on board some other British or other fit vessel.

(2) The warrant shall be sufficient authority to the person to whom it is directed or delivered for execution, and to the Commanding Officer or master of the vessel, to receive and detain the person therein named, in the manner therein prescribed, and to send or remove and carry him to the place therein named, according to the warrant.

(3) In case of sending or removal for any purpose other than deportation, the warrant shall be issued in duplicate, and the person executing it shall, as soon as practicable after his arrival at the place therein named, deliver according to the warrant, with one of the duplicates of the warrant, to a constable, or proper officer of police, or keeper of a prison, or other proper authority or person there, the person named in the warrant, to be produced on the order of the proper Court or authority there, or to be otherwise dealt with according to law.

29.—(1) If any person to whom this Order applies does any of the following things, namely:—

- (a) Wilfully by act or threat obstructs any Officer of, or person executing any process of, the Court in the performance of his duty; or
- (b) Within or close to the room or place where the Court is sitting wilfully misbehaves in a violent, threatening, or disrespectful manner to the disturbance of the Court, or to the intimidation of suitors or others resorting thereto; or
- (c) Wilfully insults any members of the Court, or any assessor, or any person acting as a Clerk or Officer of the Court during his sitting or attendance in Court, or in his going to or returning from Court; or
- (d) Does any act in relation to the Court or a Judge thereof, or a matter pending therein, which, if done in relation to a High Court in British India, would have been punishable as a contempt of such Court;

such person shall be liable to be apprehended by order of the Court with or without warrant, and, on inquiry and consideration, and after the hearing



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of any defence which such person may offer, without further process or trial, to be punished with a fine not exceeding 100 rupees, or with imprisonment not exceeding twenty-four hours.

A Minute shall be made and kept of every such case of punishment, recording the facts of the offence and the extent of the punishment.

Provided that, if the Court thinks fit, instead of proceeding under the preceding provisions, it may direct or cause the offender to be tried in a separate criminal prosecution or proceeding, in which the offender shall be liable to any punishment to which he would have been liable on 14th August, 1947, if the offence had been committed in relation to the Court of a Sessions Judge in India.

Nothing herein shall interfere with the power of the Court to remove or exclude persons who interrupt or obstruct the proceedings of the Court.

(2) The provisions of paragraph (1) of this Article shall also apply if any person subject to this Order does any of the acts enumerated in sub-paragraphs (b), (c) or (d) thereof in relation to the Joint Court to which a complaint has been referred under Article 53 (1) or 54 (1), or in relation to a Qazi to whom a matter has been referred under Article 17 (1), 42 or 54 (5).

30. If any person to whom this Order applies smuggles or imports into or exports from Bahrein any goods whereon any duty is charged by or payable to the Sheikh, with intent to evade payment of the duty, he shall be punished with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees or to a sum equal to treble the value of the goods (whichever shall be the greater), or with both imprisonment and fine.

31. If any person to whom this Order applies smuggles or imports into or exports from Bahrein any goods the importation or exportation whereof is lawfully prohibited he shall be punished with imprisonment for a term which may extend to one year, or with a fine which may extend to 2,000 rupees or to a sum equal to treble the value of the goods (whichever shall be the greater), or with both imprisonment and fine.

32. Any act which, if it had been done in British India on 14th August, 1947, would have been an offence against the law then in force in British India, relating to trade-marks, merchandise marks, copyright designs, or inventions, shall, if done in Bahrein by a person to whom this Order applies, be an offence punishable with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees, or with both.

33.—(1) If any person to whom this Order applies:—

- (i) Publicly derides, mocks or insults any religion, established or observed within the limits of this Order; or
- (ii) Publicly offers insult to any religious service, feast, or ceremony established or kept in any place within those limits, or to any place of worship, tomb, or sanctuary belonging to any religion established or observed within those limits, or belonging to the ministers or professors thereof; or
- (iii) Publicly and wilfully commits any act tending to bring any religion established or observed within those limits, or its ceremonies, modes of worship, or observances into hatred, ridicule, or contempt, and thereby to provoke a breach of the public peace;



he shall be guilty of an offence, and on conviction thereof liable to imprisonment, which may extend to two years, with or without a fine not exceeding 500 rupees, or to a fine alone not exceeding 500 rupees.

(2) The Political Agent shall take such precautionary measures as seem to him proper and expedient for the prevention of such offences.

34.—(1) If any person subject to this Order prints, publishes, or offers for sale any printed or written newspaper or other publication containing seditious matter, he shall be guilty of an offence and on conviction thereof liable to imprisonment, which may extend to two years, with or without a fine not exceeding 1,000 rupees or to a fine alone not exceeding 1,000 rupees, and may, in addition to, or in lieu of, any other sentence, be ordered to give security for good behaviour, or to be deported.

(2) Where any printed or written newspaper or other publication containing seditious matter is printed, published, or offered for sale within the limits of this Order by a Company incorporated under the laws of any part of His Majesty's dominions, protectorates or protected states or of any mandated territory or trust territory, the Court may, after notice to the Company, and on proof of the facts, require the Company to give security to abstain from such printing, publishing, or offering for sale in future. If the Company fail to give security, or if the Company is shown to have again printed, published, or offered for sale such newspaper, or other publication containing seditious matter after giving such security, the Court may make an order prohibiting the Company from carrying on business within the limits of the Order, and may make such other orders as to the Court may seem just. The Court may also declare all the property of the Company within the limits of the Order to be forfeited to His Majesty, and shall dispose of it, subject to any general or special directions of the Secretary of State, as it thinks fit.

(3) Matter calculated to excite tumult or disorder, or to excite enmity between persons subject to this Order and the Sheikh or Bahrein subjects, or between different classes of person subject to this Order, or between the Sheikh and Bahrein subjects, shall be deemed to be seditious matter within the meaning of this Article.

35.—(1) If a Clerk or Officer of the Court acting under pretence of the process or authority of the Court, is charged with extortion, or with not paying over money duly levied, or with other misconduct, the Court may, if it thinks fit, enquire into the charge in a summary way, and may for that purpose summon and enforce the attendance of all necessary persons as in a suit, and may make such order for the repayment of any money extorted, or for the payment over of any money levied, and for payment of such damages and costs as the Court thinks fit.

(2) The Court may also, if it thinks fit, on the same enquiry impose on the Clerk or Officer such fine, not exceeding 50 rupees for each offence, as the Court thinks fit.

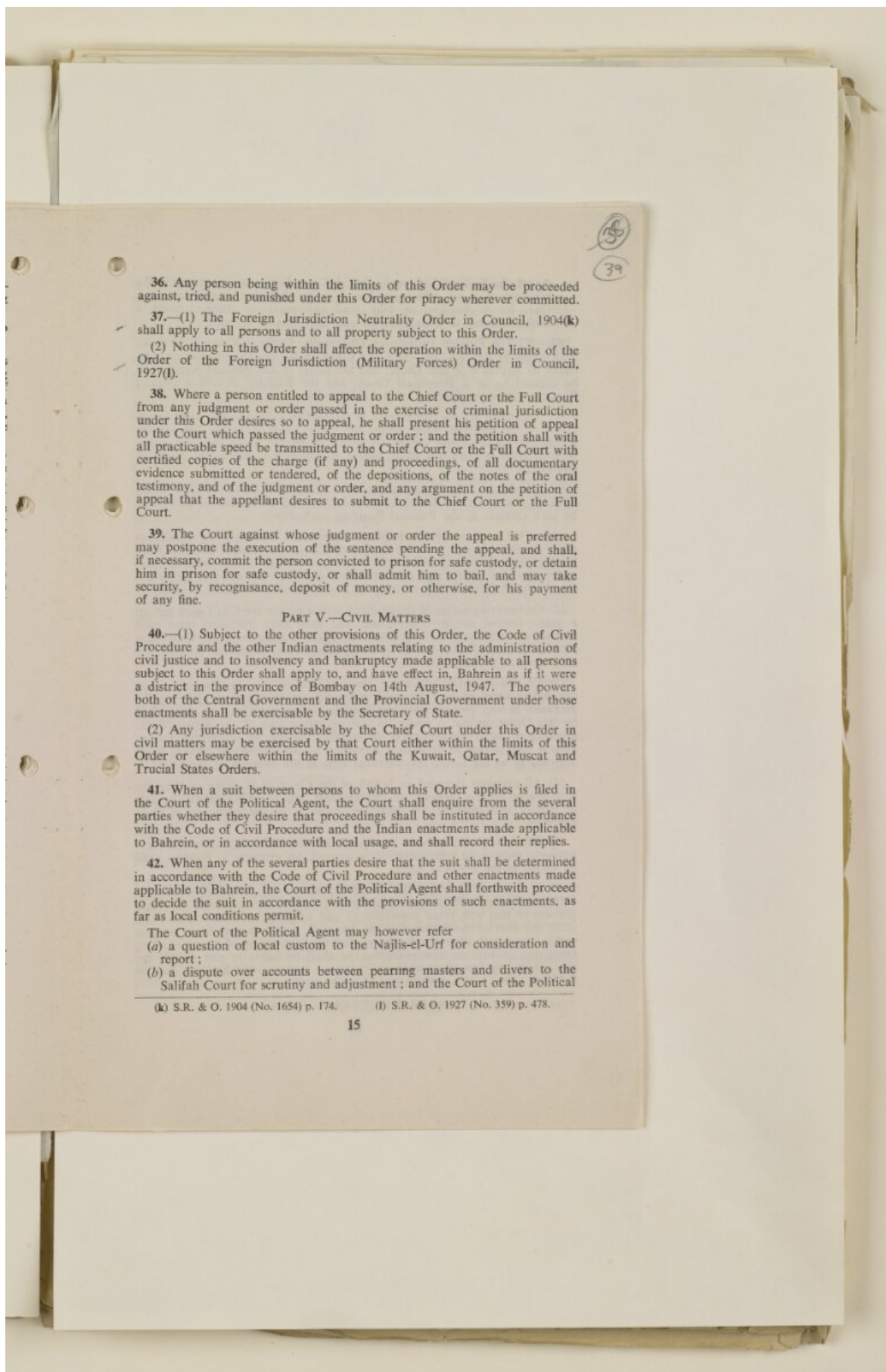
(3) A Clerk or Officer punished under this Article shall not, without the leave of the Court, be liable to a civil suit in respect of the same matter; and any such suit, if already or afterwards begun, may be stayed by the Court in such manner and on such terms as the Court thinks fit.

(4) Nothing in this Article shall be deemed to prevent any person from being prosecuted under any other legal provision, which is applicable for any act or omission punishable under this Article, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Article:

Provided that no person shall be punished twice for the same offence.



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36. Any person being within the limits of this Order may be proceeded against, tried, and punished under this Order for piracy wherever committed.

37.—(1) The Foreign Jurisdiction Neutrality Order in Council, 1904(k) shall apply to all persons and to all property subject to this Order.

(2) Nothing in this Order shall affect the operation within the limits of the Order of the Foreign Jurisdiction (Military Forces) Order in Council, 1927(l).

38. Where a person entitled to appeal to the Chief Court or the Full Court from any judgment or order passed in the exercise of criminal jurisdiction under this Order desires so to appeal, he shall present his petition of appeal to the Court which passed the judgment or order; and the petition shall with all practicable speed be transmitted to the Chief Court or the Full Court with certified copies of the charge (if any) and proceedings, of all documentary evidence submitted or tendered, of the depositions, of the notes of the oral testimony, and of the judgment or order, and any argument on the petition of appeal that the appellant desires to submit to the Chief Court or the Full Court.

39. The Court against whose judgment or order the appeal is preferred may postpone the execution of the sentence pending the appeal, and shall, if necessary, commit the person convicted to prison for safe custody, or detain him in prison for safe custody, or shall admit him to bail, and may take security, by recognisance, deposit of money, or otherwise, for his payment of any fine.

PART V.—CIVIL MATTERS

40.—(1) Subject to the other provisions of this Order, the Code of Civil Procedure and the other Indian enactments relating to the administration of civil justice and to insolvency and bankruptcy made applicable to all persons subject to this Order shall apply to, and have effect in, Bahrein as if it were a district in the province of Bombay on 14th August, 1947. The powers both of the Central Government and the Provincial Government under those enactments shall be exercisable by the Secretary of State.

(2) Any jurisdiction exercisable by the Chief Court under this Order in civil matters may be exercised by that Court either within the limits of this Order or elsewhere within the limits of the Kuwait, Qatar, Muscat and Trucial States Orders.

41. When a suit between persons to whom this Order applies is filed in the Court of the Political Agent, the Court shall enquire from the several parties whether they desire that proceedings shall be instituted in accordance with the Code of Civil Procedure and the Indian enactments made applicable to Bahrein, or in accordance with local usage, and shall record their replies.

42. When any of the several parties desire that the suit shall be determined in accordance with the Code of Civil Procedure and other enactments made applicable to Bahrein, the Court of the Political Agent shall forthwith proceed to decide the suit in accordance with the provisions of such enactments, as far as local conditions permit.

The Court of the Political Agent may however refer

(a) a question of local custom to the Najlis-el-Urf for consideration and report;

(b) a dispute over accounts between pearling masters and divers to the Salifah Court for scrutiny and adjustment; and the Court of the Political

(k) S.R. & O. 1904 (No. 1654) p. 174.

(l) S.R. & O. 1927 (No. 359) p. 478.



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Agent, the Najlis-el-Urf, or the Salifah Court may refer any matter in the progress of a suit which involves a point of Muhammadan law to a Qazi for a decision, or may send any party or witness, being a Muhammadan, to a Qazi for the administration of an oath.

43.—(1) The Foreign Jurisdiction (Admiralty) Order in Council, 1910(m), shall apply to Bahrein, and the Chief Court shall have the jurisdiction conferred by Article 4 of that Order, and the Court of the Political Agent shall be deemed to be a Provincial Court, and the Registry thereof a District Registry within the meaning of the said Order.

(2) Admiralty actions commenced in the said Registry shall be tried in the Court of the Political Agent unless the Chief Court is at the time sitting within the limits of this Order, or unless all parties agree that the action shall be tried in the Chief Court sitting elsewhere than within the limits of this Order.

(3) The duties of the Registrar and of the Marshal, either of the Chief Court or of the Court of the Political Agent under the said Order shall be performed by such Officers as the Political Resident shall direct.

44.—(1) The Court of the Political Agent shall endeavour to obtain, as early as may be, notice of the deaths of all persons subject to this Order leaving property in any place within the jurisdiction of the Court as prescribed by this Order, and all such information as may serve to guide the Court with respect to the securing and administration of their property.

(2) On receiving notice of the death of such a person the Court shall put up a notice thereof at the Court-house, and shall keep the same there until probate or administration is granted, or, where it appears to the Court that probate or administration will not be applied for or cannot be granted, for such time as it thinks fit.

(3) The Court shall, where the circumstances of the case appear so to require, as soon as may be, take possession of the property left by the deceased in any place within the jurisdiction of the Court as prescribed by this Order, or put it under its seal (in either case, if the nature of the property or other circumstances so require, making an inventory) and so keep it until it can be dealt with according to law, perishable articles being disposed of as the Court may consider best in the interests of the estate.

(4) All expenses incurred on behalf of the Court in so doing shall be the first charge on the property of the deceased, and the Court shall, by sale of part of that property, or otherwise, provide for the discharge of these expenses.

(5) When a person subject to this Order dies in Bahrein or elsewhere intestate, then, until administration is granted, his property in Bahrein shall be vested in the Political Agent.

45. If a person to whom this Order applies, who is named executor in a will, and to the establishment of whose title as such it is necessary to obtain probate of that will, takes possession of and administers, or otherwise deals with, any part of the property of the deceased, and does not obtain probate within one month after the death, or after the termination of any proceeding respecting probate or administration, he shall be liable to pay double the amount of any fees chargeable on obtaining probate, and he shall also be liable to a fine which may extend to 1,000 rupees.

(m) S.R. & O. 1910 (No. 1183) p. 131.



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46. If any person to whom this Order applies, other than the person named executor, or the administrator, or a person entitled to represent the deceased without obtaining probate or letters of administration, or an Officer of the Court, takes possession of and administers or otherwise deals with, any part of the property of the deceased, he shall, as soon as practicable, notify the fact and the circumstances to the Court of the Political Agent, and shall furnish to the Court all such information as the Court requires, and shall conform to any direction of the Court in relation to the custody, disposal, or transmission of the property or the proceeds thereof, and, in case of any contravention of this Article, he shall be punished with a fine, which may extend to 1,000 rupees.

47. Where a person to whom this Order applies is named executor in a will and survives the testator, but either dies without having obtained probate or, having been called on by the Court to apply for probate, does not appear, his right in respect of the executorship wholly ceases; and, without further renunciation, the representation of the testator and the administration of his property shall go and may be committed as if that person had not been appointed executor.

48. Where it appears to the Court that the value of the property or estate of a deceased person subject to this Order does not exceed 1,500 rupees the Court may, without any probate, letters of administration or other formal proceeding, pay thereout any debts or charges and pay, remit or deliver any surplus to such persons and in such manner as the Court thinks proper, and no member or Officer of the Court shall be liable to any action, suit, or proceedings in respect of anything done under this Article.

49. The Foreign Jurisdiction (Probates) Order in Council, 1935(n), shall apply to all persons and to all property subject to this Order.

50.—(1) When the circumstances of the case appear to the Court of the Political Agent so to require, for reasons recorded in its proceedings, the Court may, if it thinks fit, of its own motion or otherwise, grant letters of administration to an Officer of the Court.

(2) The Officer so appointed shall act under the direction of the Court, and shall be indemnified thereby.

(3) He shall publish such notices, if any, as the Court thinks fit, in Bahrein, the United Kingdom, and elsewhere.

(4) The Court shall require and compel him to file in the proper Office of the Court his accounts of his administration at intervals not exceeding three months, and shall forthwith examine them and report thereon to the Chief Court.

(5) The accounts shall be audited under the direction of the Court of the Political Agent.

(6) All expenses incurred on behalf of the Court in execution of this Article shall be the first charge on the estate of the deceased as dealt with in accordance with the provisions of this Order; and the Court shall, by the sale of that estate or otherwise, provide for the discharge of those expenses.

51. In cases where parties are Muhammadans the Court of the Political Agent may refer any question concerning probate of wills or administration of property of deceased persons to whom this Order applies to a Qazi for settlement under the general supervision of the Court.

(n) S.R. & O. 1935 (No. 896) p. 522.



52.—(1) If an Officer of the Court, employed to execute a decree or order, loses, by neglect or omission, the opportunity of executing it, then, on complaint of the person aggrieved and proof of the fact alleged, the Court may, if it thinks fit, order the Officer to pay the damages sustained by the person complaining, or part thereof.

(2) The order may be enforced as an order directing payment of money.

PART VI.—MIXED CASES: BAHREIN SUBJECTS AND PERSONS
SUBJECT TO THIS ORDER

(a) *Criminal*

53.—(1) When a Bahrein subject desires to institute a complaint against a person to whom this Order applies, or a person to whom this Order applies desires to institute a complaint against a Bahrein subject, the Court of the Political Agent shall entertain the same, and may—

(a) With the concurrence of the Sheikh of Bahrein hear and determine it,
(b) Send it to the Joint Court, or

(c) If the defendant is a Muhammadan, refer it to a Qazi for decision, sending a representative of the Agency to record briefly the proceedings. Such decision, when endorsed by the Court of the Political Agent, shall for all purposes be considered as if it were that of the Court of the Political Agent.

(2) Nothing in this Article shall prevent the Political Resident from exercising the revisory powers possessed by him under Article 4 of the Convention with Bahrein, dated the 31st May, 1861.

(b) *Civil*

54.—(1) When a Bahrein subject desires to bring a suit against a person to whom this Order applies, or a person to whom this Order applies desires to bring a suit against a Bahrein subject, the Court of the Political Agent shall admit the complaint, and

(a) With the concurrence of the Sheikh of Bahrein, may hear and determine it,

(b) May hear and determine it in a Joint Court, or

(c) May refer it to the Majlis-el-Urf for decision, or

(d) In cases between pearling-masters and divers, may refer it to the Salifah Court, or

(e) With the consent of the several parties, may refer the case to one or more Arbitrators for settlement.

(2) The judgment of the Joint Court or of the Majlis-el-Urf shall for all purposes be considered the same as if it were that of the Court of the Political Agent.

(3) An appeal from the decision of the Salifah Court shall lie to the Court of the Political Agent acting in concert with the Sheikh of Bahrein, and in all Salifah cases their joint decision shall be final.

(4) The award of the arbitrator under sub-paragraph 1 (e) shall be final, and shall not be open to appeal unless the same shall within a reasonable time have been ordered by the Political Agent to be set aside on the ground that it is not final or is defective, or that the Arbitrator has exceeded his authority, or has been guilty of misconduct in the matter.

(5) Nothing herein mentioned shall prevent the Court of the Political Agent, the Joint Court, the Majlis-el-Urf, the Salifah Court, or the Arbitrator



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from referring any matter in the progress of a suit which involves a point of Muhammadan law to a Qazi for decision, or from sending any party or witness, being a Muhammadan, to a Qazi for the administration of an oath.

55.—(1) Where a person to whom this Order does not apply obtains, in a Court established under this Order, a decree or order against a defendant, being a person subject to this Order, and in another suit that defendant is plaintiff and the person to whom this Order does not apply is defendant the Court may, if it thinks fit, on the application of the person subject to this Order, stay the enforcement of the decree or order pending that other suit, and may set off any amount decreed or ordered to be paid by one party in one suit against any amount decreed or ordered to be paid by the other party in the other suit.

(2) Where a plaintiff, being a person to whom this Order does not apply, obtains a decree or order, in a Court established under this Order, against two or more defendants being persons subject to this Order jointly, and in another suit one of them is a plaintiff and the person to whom this Order does not apply is defendant, the Court may, if it thinks fit, on the application of the persons subject to this Order, stay the enforcement of the decree or order pending that other suit, and may set off any amount decreed or ordered to be paid by one party in one suit against any amount decreed or ordered to be paid by the other party in the other suit, without prejudice to the right of the person subject to this Order to obtain contribution from his co-defendants under the joint liability.

(3) Where in a suit a person to whom this Order does not apply is co-plaintiff with a person subject to this Order, who is in Bahrein, it shall not be necessary for the person to whom this Order does not apply to give security under this Article as regards fees and costs, unless the Court so directs, but the co-plaintiff person subject to this Order shall be responsible for all fees and costs.

56.—(1) Every agreement for reference to arbitration between a person to whom this Order applies on the one hand, and a person not subject to this Order on the other hand, may, on the application of any party, be filed for execution in the Office of the Court.

(2) The Court shall thereupon have authority to enforce the agreement and the award made thereunder and to control and regulate the proceedings before and after the award in such manner and on such terms as the Court may think fit, in concert with the Sheikh or his representative.

(c) General

57.—(1) Where it is proved that the attendance of a person to whom this Order applies, to give evidence, or for any other purpose connected with the administration of justice, is required before a Bahrein tribunal, a Court established under this Order may, if it thinks fit, in a case and in circumstances in which the Court would require the attendance of that person before the Court, order that he do attend as required. The Order may be made subject to such conditions as the Court thinks fit.

(2) If the person so ordered to attend, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly, and does not excuse his failure to the satisfaction of the Court, he shall, independently of any other liability, be liable to be punished with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees, or with both.



58. When a person to whom this Order applies invokes or submits to the jurisdiction of a Bahrein tribunal, the Court may, on such evidence as it thinks fit to require, enforce payment of such fees and expenses in the same manner as if they were fees payable in a proceeding in the Court, and shall pay over and account for the same, when levied, to the proper Bahrein authority, as the Court may direct. The Court may also enforce compliance with any judgment given by such Tribunal against such person in the same manner as it may enforce compliance with a judgment given by the Court.

59.—(1) If a person to whom this Order applies wilfully gives false evidence in a proceeding before a Bahrein tribunal, or in an arbitration between a person to whom this Order applies, on the one hand, and a person to whom this Order does not apply, on the other hand, he shall be guilty of an offence, and shall, on conviction, be liable to be punished with imprisonment for a term which may extend to two months or with a fine which may extend to 1,000 rupees, or with both.

(2) Nothing in this Article shall exempt a person from liability under any other law applicable within the limits of this Order to any other or higher punishment or penalty:

Provided that no person shall be punished twice for the same offence.

PART VII.—REGISTRATION

60. A register of persons subject to this Order (other than corporations) shall be kept in the Political Agency.

61. Every person subject to this Order (other than a corporation) resident within the limits of this Order shall, in the month of January of each year, be registered at the Political Agency. A person subject to this Order arriving within the limits of this Order shall apply for registration within one month after his arrival, provided that a person who fails to apply for or to obtain registration within the time limited by this Article may be registered at any time if he excuses his failure to the satisfaction of the Political Agent.

62. Where a person is in possession of a valid British or foreign passport, the Political Agent shall, on the first registration of any such person, endorse on the passport without further fee than that provided for in Article 65 a certificate of registration in such form as may be prescribed by the Secretary of State. Where any such person applies for the renewal of the registration and produces his passport, the renewal of the registration shall, without further fee than that provided for in Article 65, be endorsed thereon.

63. Every person, who has not previously been registered, applying to be registered under this Order shall, unless excused by the Political Agent, attend personally for that purpose at the Political Agency; but any person applying for the renewal of his registration need not attend personally unless directed by the Political Agent so to do, provided that the registration of the wife or wives of a man who is registered under this Order may, if she or they be living with him, be effected without their personal attendance being required, and provided also that the registration of minors, being his relatives in whatever degree, living with the head of a family who is registered under this Order, may be effected without their personal attendance being required.

64. A person registered in any register of British subjects established under the provisions of any Order in Council which have been repealed shall be registered under the provisions of this Order, unless the Political Agent is



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satisfied after enquiry that the previous registration was erroneous or that such person is not entitled to registration under the provisions of this Order.

65. Every person shall, on every registration of himself and on every renewal of registration, pay a fee of one rupee, or such other fee as the Secretary of State from time to time appoints. The amount of the fee so appointed may be uniform for all persons, or may vary according to the position and circumstances of different classes, if the Secretary of State from time to time so directs, but may not in any case exceed 3 rupees.

66. Where any person applies to be registered, he shall be entitled without a fee to the assistance of the Political Agent in the preparation of any affidavit that may be required.

67. The Political Agent may require the production of such evidence that an applicant for registration is entitled to the status of a British subject as he may see fit, but subject to such directions as may be issued by the Secretary of State.

68. If any British subject neglects to obtain registration under the provisions of this Order, he shall not be entitled to be recognised or protected as a British subject within the limits of this Order, and he and any other person subject to this Order who neglects to obtain registration shall be liable to a fine not exceeding 25 rupees for each instance of such failure; but he shall, although not registered, be subject to the jurisdiction of the Courts established by this Order.

69. A register of companies incorporated or registered in the United Kingdom or in any other part of His Majesty's dominions, protectorates or protected states or in any mandated territory or trust territory or in any other country outside the limits of this Order other than Kuwait, Qatar, or the Trucial States, and carrying on business in Bahrein, shall be kept in the Political Agency, and every such company carrying on business in Bahrein shall register there.

70. On the registration of a company at the Political Agency there shall be deposited and filed a copy of the certificate of incorporation of the company or other document corresponding thereto, a statement showing the nominal capital of the company and the amounts thereof which have been subscribed and paid up respectively, and, if the company has been incorporated under a law which provides for the periodical filing of a list of the share-holders, a copy of the last list so filed.

71. The Political Agent shall, on the registration of a company at the Political Agency, issue to the person making the registration a certificate, signed and sealed, that the company has been so registered.

72.—(1) Every company registered under this Order shall register the name and address of the manager or other chief local representative in Bahrein, and shall from time to time, as may be necessary, register any alteration of the representative of the company or in his address.

(2) Rules of Court made under Article 77 may provide that service of writs, notices, or other documents upon the person registered under this Article, or at his address, shall be good service of such documents upon the company.



73. Registration of a company under this Order shall not require to be renewed annually, but may be renewed from time to time as the parties may desire, and shall be renewed when any change takes place in the name of the company.

74. On every registration of a company under this Order, and on every renewal thereof, there shall be payable a fee of 10 rupees, and on every registration under Article 72 (1) there shall be payable a fee of 1 rupee.

75. Any company failing to make such registration or to deposit or file such documents as required by Articles 69, 70 and 72 of this Order and every Director, Manager, Secretary or other officer who is knowingly a party to such default shall be guilty of an offence under this Order, and on proof thereof shall be liable to a fine not exceeding 15 rupees a day for every day during which such offence continues, but not exceeding in all 500 rupees.

PART VIII.—MISCELLANEOUS PROVISIONS

76.—(a) Persons subject to this Order are prohibited from alienating or acquiring from any person of whatever nationality any land or house property within the limits of this Order, either by gift, purchase, mortgage, or other form of conveyance, without due execution of signature before and registration by the Political Agent previous to the transfer of such property.

Any person subject to this Order charged with any breach of this paragraph shall be liable to, and on conviction punishable under this Order by, a fine not exceeding 500 rupees, or the total value of the property purporting to be so transferred (whichever is greater), or imprisonment up to one calendar month, or both.

(b) Any such deed, or instrument of gift, purchase, mortgage, or other form of conveyance, purporting to transfer property otherwise than in accordance with the provision of (a) above may, on that ground alone, be declared void and of no effect by any Court acting under this Order.

77. The Political Resident may, from time to time, make rules of procedure and other rules, consistent with this Order, for the better execution of the provisions herein contained in respect of any matter arising in the course of any civil or criminal case, including insolvency and bankruptcy proceedings. These rules shall be approved by the Secretary of State before they enter into force.

78.—(1) The Political Resident may, from time to time, make rules imposing fees leviable in respect of any proceedings in, or processes issued out of, any Court established under this Order. These rules shall be approved by the Secretary of State, with the concurrence of the Treasury, before they enter into force.

(2) But a Court before which any matter is pending may, in any case, if it thinks fit, on account of the poverty of a party, or for any other reason, dispense in whole or in part with the payment of any fees chargeable in respect of such matter.

79.—(1) All fees, charges, expenses, costs, fines, damages, and other money payable under this Order or under any law made applicable by this Order, may be enforced under order of the Court by seizure and sale of goods, and in default of sufficient goods, by imprisonment as a civil prisoner for a term not exceeding one month, but such imprisonment shall not operate as a satisfaction or extinguishment of the liability.



'File 7/1 IV General correspondence regarding Kuwait Order in Council (1949) and King's Regulations made under the Kuwait Order in Council' [43r] (85/240)

(2) Any bill of sale or mortgage or transfer of property made with a view of avoiding such seizure or sale shall not be effectual to defeat the provisions of this Order.

(3) All fees, penalties, fines and forfeitures levied under this Order, and fees, other than actual Court fees, that may be levied under the provisions of this Order shall be paid to the public account, and shall be applied in such manner as the Secretary of State, with the consent of the Treasury, may direct.

80. Whenever an acting Political Agent or Assistant Judge has commenced the hearing of any cause or matter, civil or criminal, he may, unless the Chief Court otherwise directs, continue and complete the hearing and determination thereof, notwithstanding that his authority to act as Political Agent or Assistant Judge has otherwise ceased by reason of the expiration of the time for which he was appointed to act or by reason of the happening of any event by which his authority is determined.

81. The Political Resident or the Political Agent may exercise any power conferred on any Justices of the Peace within His Majesty's dominions by any Act of Parliament, for the time being in force, regulating merchant seamen or the mercantile marine.

82. Where under the Merchant Shipping Act, 1894, anything is authorised to be done by, to, or before a consular officer, such thing may be done in any place in Bahrein by, to, or before the Political Resident or the Political Agent.

83. The Political Resident and the Political Agent shall each be entitled in Bahrein to act as a Notary Public.

84. The Court shall have jurisdiction from time to time to make an order requiring a person to whom this Order applies to contribute in such manner as the Court directs to the support of his wife, or to the support of his or her child, whether legitimate or not, being in the opinion of the Court under the age of 16 years. Any such order may be made in a summary way as if the neglect to provide for the support of such wife or child were an offence, and any failure to comply with any such order shall be deemed to be an offence, and shall be punishable with a fine not exceeding by more than 10 rupees the amount unpaid under the said order, and the Court may direct any penalty imposed for such offence to be applied for the support of such wife or child in such manner as the Court thinks fit.

85. The Political Resident shall have power to make Regulations (to be called King's Regulations) for the following purposes (that is to say):—

- (a) For the peace, order, and good government of persons to whom this Order applies in relation to matters not provided for by this Order.
- (b) For securing the observance of any Treaty or arrangement for the time being in force, relating to any place within the limits of this Order, or of any native or local law or custom, whether relating to trade, commerce, revenue, or any other matter.
- (c) For applying, amending, modifying or repealing with respect to Bahrein any Acts or enactments which apply, or are made applicable, or have been brought into operation in Bahrein, by or under any of the provisions of Article 11 or 12 of this Order.
- (d) For regulating or preventing the importation or exportation of arms or munitions of war, or any parts or ingredients thereof, and for giving effect to any Treaty relating to the importation or exportation of the same.



(e) For requiring returns to be made of the nature, quantity and value of articles exported from or imported into Bahrein, by or on account of any person to whom this Order applies, or in any British ship, and for prescribing the times and manner at or in which and the persons by whom, such returns are to be made.

(f) For the governance, visitation, care, and superintendence of prisons.

(g) For the recovery of lighting and other dues from shipping.

86.—(1) Any Regulations made under the preceding Article may provide for forfeiture of any goods, receptacles, or things in relation to which, or to the contents of which, any breach is committed of such Regulations, or of any Treaty or any native or local law or custom the observance of which is provided for by such Regulations.

(2) Any person to whom this Order applies committing a breach of any such Regulations shall, in addition to any forfeiture prescribed thereby, be liable, on conviction, to imprisonment for a period not exceeding two years or to a fine or to both.

(3) Any fine imposed for a breach of Regulation shall not exceed 1,500 rupees: provided that in the case of any breach of any native or local law relating to customs law, or under which the importation or exportation of any goods is prohibited or restricted, the fine may extend to a sum equivalent to treble the value of the goods in relation to which the breach is committed.

87.—(1) King's Regulations shall not take effect until they are allowed by the Secretary of State: provided that in case of urgency declared in any such Regulations the same shall take effect before such allowance, and shall continue to have effect unless and until they are disallowed by the Secretary of State, and until notification of such disallowance is received and published by the Political Resident, and such disallowance shall be without prejudice to anything done or suffered under such Regulations in the meantime.

(2) All King's Regulations shall be published by the Political Resident in such manner and at such places as he may think proper.

(3) In this Order "breach of the Regulations" includes the breach of any native or local law or custom, the observance of which is required by any King's Regulations.

88. Judicial notice shall be taken of this Order and of the commencement thereof, and of the appointment of the Political Resident, Political Agent, and the Assistant Judge, and of the constitution and limits of the Courts and districts and of the seals and signatures, and of any rules and regulations made or in force under this Order, and no proof shall be required of any of such matters.

89. The Court shall recognise and apply any reasonable custom existing in Bahrein, unless this Order contains some express and specific provision incompatible with the observance thereof.

90. Nothing in this Order shall—

(i) Affect any jurisdiction for the time being exercisable by the Court of the Political Resident under any Act of Parliament of the United Kingdom other than the Foreign Jurisdiction Act, 1890; or

(ii) Prevent the Court of the Political Agent from doing anything which His Majesty's Consuls in the dominions of any State in amity with His Majesty are for the time being by law, usage or sufferance entitled or enabled to do.



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91. Not later than the 31st day of March in each year, or such other day as the Secretary of State directs from time to time, the Political Resident shall send to the Secretary of State a report on the operation of this Order up to the 31st day of December in the previous year, or such other date as the Secretary of State directs from time to time, showing for the preceding twelve months the number and nature of the proceedings, criminal and civil, taken under this Order, and the result thereof, and the number and amount of fees received, and such other information, and being in such form as the Secretary of State from time to time directs.

92.—(1) As from the commencement of this Order the Bahrein Order in Council 1913 shall be repealed; but this repeal shall not—

- (a) Affect the past operation of that Order or any appointment made, or any right, title, obligation, or liability accrued, or the validity or invalidity of anything done or suffered under that Order, before the making of this Order;
- (b) Interfere with the institution or prosecution of any proceeding or action, criminal or civil, in respect of any offence committed against or forfeiture incurred or liability accrued under or in consequence of any provision of that Order or any regulation confirmed by any such Order or made thereunder;
- (c) Take away or abridge any protection or benefit given or to be enjoyed in relation thereto.

(2) Notwithstanding the repeal of the Order aforesaid, all rules and regulations approved or confirmed by or under such Order so repealed shall continue and be as if this Order had not been made; but so that the same may be revoked, altered, or otherwise dealt with under this Order, as if they had been made under this Order.

(3) Criminal or civil proceedings begun under the Order repealed by this Order, and pending at the time when this Order comes into operation, shall, from and after that time, be regulated by the provisions of this Order, as far as the nature and circumstances of each case admit.

93.—(1) A printed copy of this Order, and of all Rules of Procedure and other Rules for the time being in force under this Order, shall be kept open to inspection free of charge in the Office of the Political Agent and of each Court established under this Order.

(2) Printed copies thereof shall be sold in Bahrein at such reasonable price as the Political Agent from time to time directs.

94. This Order shall be laid before Parliament and shall come into force on 12th April, 1949.

The Right Honourable Ernest Bevin, His Majesty's Principal Secretary of State for Foreign Affairs, is to give the necessary directions herein.

E. C. E. Leadbitter.



SCHEDULE

INDIAN ACTS APPLIED

The Indian Penal Code, 1860 (Act XLV of 1860).
The Indian Divorce Act, 1869 (Act IV of 1869), except so much as relates to divorce and nullity of marriage.
The Bombay Civil Courts Act, 1869 (Act XIV of 1869), except sections 6, 15, 23, 32, 33, 34, 38 to 43 (both inclusive), the last clause of section 19, and the last two clauses of section 22.
The Indian Court Fees Act, 1870 (Act VII of 1870).
The Indian Evidence Act, 1872 (Act I of 1872).
The Indian Contract Act, 1872 (Act IX of 1872).
The Indian Christian Marriage Act, 1872 (Act XV of 1872).
The Indian Oaths Act, 1873 (Act X of 1873).
The Indian Majority Act, 1875 (Act IX of 1875).
The Births, Deaths and Marriages Registration Act of 1886 (Act VI of 1886).
The Provincial Small Cause Courts Act, 1887 (Act IX of 1887).
The Prevention of Cruelty to Animals Act, 1890 (Act XI of 1890).
The Code of Criminal Procedure, 1898 (Act V of 1898), except Chapter XXXIII.
So much of the Indian Post Office Act, 1898 (Act VI of 1898) as relates to offences against the Post Office.
The Code of Civil Procedure, 1908 (Act V of 1908).
The Indian Limitation Act, 1908 (Act IX of 1908), so far as it applies to appeals and applications.
The Whipping Act, 1909 (Act IV of 1909).
The Indian Lunacy Act, 1912 (Act IV of 1912).
The Indian Companies Act, 1913 (Act VII of 1913).
The Indian Merchant Shipping Act, 1923 (Act XXI of 1923), Part IV, except Sections 174 to 192, inclusive, and sub-section (3) of Section 213.
The Indian Succession Act, 1925 (Act XXXIX of 1925).
And the enactments relating to insolvency and bankruptcy in force in the Presidency of Bombay beyond the limits of the ordinary original jurisdiction of the High Court of Judicature of Bombay.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

1. This Order-in-Council relating to Bahrein should be read with the Orders relating to Kuwait, Qatar, Muscat and the Trucial States which were made at the same time as this Order.
2. In the territory of all these States, by agreement with their rulers, His Majesty exercises jurisdiction over certain persons and property. The extent of this jurisdiction varies slightly in the different States. This jurisdiction has been exercised under Order-in-Council made for each State or the Trucial States group under the Foreign Jurisdiction Act, 1890.
3. The Orders were *mutatis mutandis* the same for each State or group of States and have a certain unity arising from the fact that the Political Resident in the Persian Gulf is His Majesty's Principal Representative and is also the Chief Judge of the Superior Court in each State or group of States.
4. Prior to 14th August, 1947, the Governor-General of India exercised a number of powers under these Orders-in-Council, and the Indian Codes were the foundation of the law applied in these territories. After the entry into force of the Indian Independence Act, 1947, it was decided that the Orders must be amended to transfer elsewhere all powers hitherto exercised by the

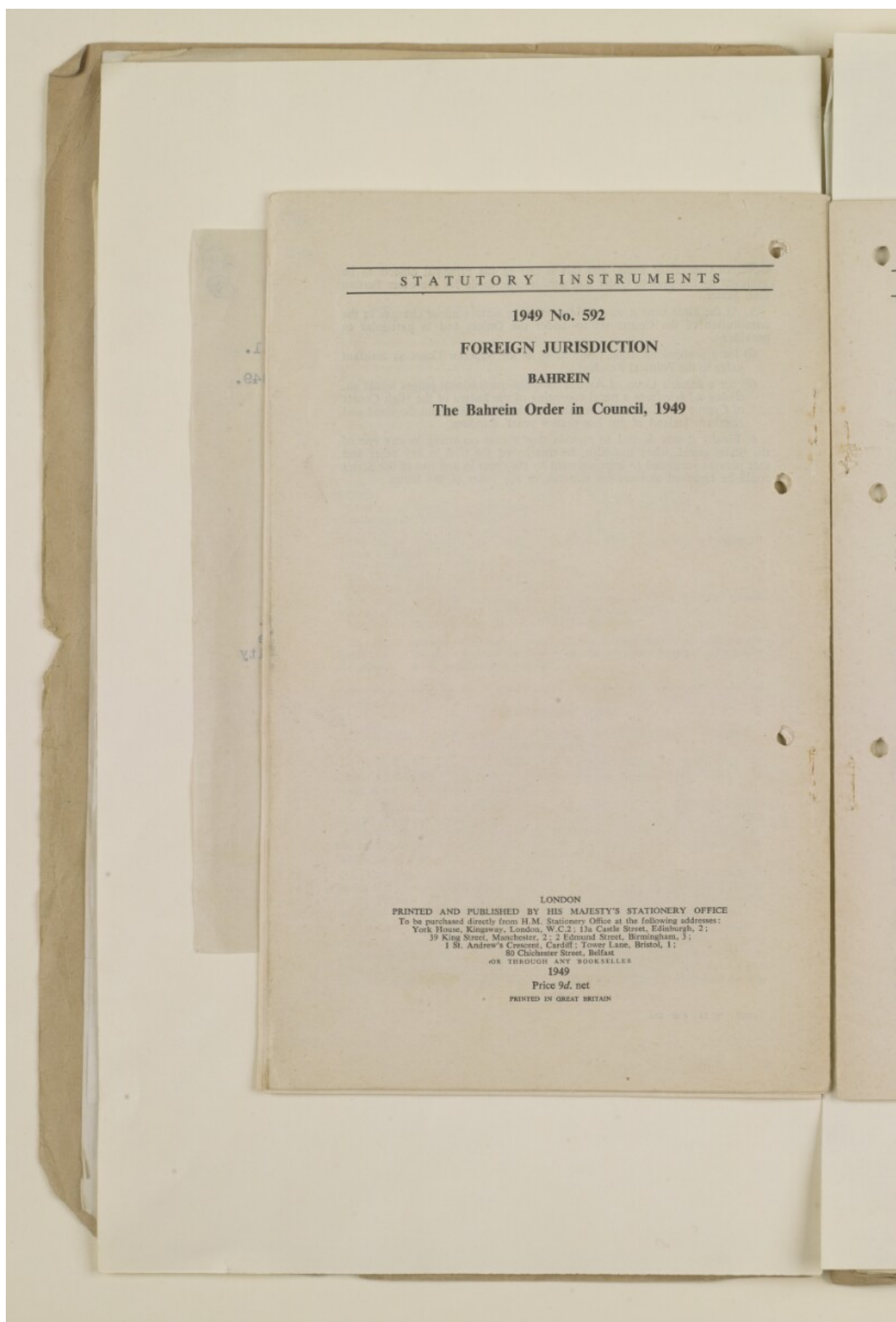


Governor-General of India, and this is one of the principal objects to be achieved by the present Order and similar ones made for the other Persian Gulf States.

5. At the same time it was decided to make certain minor changes in the constitution of the Courts set up under the Orders and in particular to provide:—

- (i) for a professional legal judge to sit in the Superior Court as assistant judge to the Political Resident ;
- (ii) for a suitable Court of Appeal on which professional judges would sit, chosen *ad hoc* from a panel consisting of the Judges of the High Courts of Cyprus and Kenya and members of the Bar of England, Scotland and Northern Ireland of not less than 9 years' standing.

6. Finally it was desired to provide that a case occurring in any one of the States could, when desirable, be transferred for trial in any other and that persons sentenced to imprisonment by the court in any one of the States could be removed to serve his sentence in any other of the States.





STATUTORY INSTRUMENTS

1949 No. 594

FOREIGN JURISDICTION

MUSCAT

The Muscat Order in Council, 1949

Made - - - - - 29th March, 1949
Laid before Parliament 30th March, 1949
Coming into Operation 12th April, 1949

At the Court at Buckingham Palace, the 29th day of March, 1949

Present

The King's Most Excellent Majesty in Council

Whereas by Treaty, capitulation, grant, usage, sufferance, and other lawful means His Majesty the King has jurisdiction within the territories of the Sultan of Muscat and Oman.

And Whereas provision was made for the exercise of such jurisdiction by the Muscat Order in Council 1939(a);

And Whereas it is expedient to repeal the said Order in Council and make further provision for the exercise of the said jurisdiction;

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1890 and 1913(b), or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

PART I.—PRELIMINARY AND GENERAL

1. This Order may be cited as the Muscat Order in Council, 1949.

2. The limits of this Order are Muscat and the coast and islands of the Gulf of Oman, being within the territories of the ruling Sultan of Muscat and Oman, including the territorial waters adjacent thereto, and all other territories, islands, and islets which may be included in the territories and be the possessions of the ruling Sultan of Muscat and Oman together with their territorial waters.

3. This Order is divided into parts as follows:—

Parts.	Subject.	Articles.
I.	Preliminary and General	1-10
II.	Law to be applied	11-16
III.	Courts	17
IV.	Criminal Matters	18-38
V.	Civil Matters	39-52
VI.	Mixed Cases	53-59
VII.	Registration	60-75
VIII.	Miscellaneous Provisions Schedule.	76-93

(a) S.R. & O. 1939 (No. 1580) II, p. 1699.

(b) 53 & 54 Vict. c. 37 and 3 & 4 Geo. 5. c. 16.



4. In the construction of this Order and of any Rules, Regulations or Orders made thereunder the following words and expressions have the meaning hereby assigned to them, unless there be something in the subject or context repugnant thereto, that is to say:—

"Administration" means letters of administration, including the same with will annexed, or granted for special or limited purposes, or limited in duration.

"British aircraft" means an aircraft registered in any part of His Majesty's dominions, protectorates or protected states, other than Kuwait, Bahrein, Qatar, and the Trucial States or in any mandated territory or trust territory.

"British protected person" means a person other than a corporation properly enjoying His Majesty's protection in Muscat but does not include—

- (i) a person who has the status of a British subject under the British Nationality Act, 1948;
- (ii) nationals of Kuwait, Bahrein, Qatar and the Trucial States of the Aden Protectorate and nationals of Zanzibar of Omani origin who own property in Oman.

"British ship" means a merchant ship, being a British ship within the meaning of the Merchant Shipping Act, 1894(c), and except where the context otherwise requires, includes a ship belonging to any British subject as herein defined.

"British subject" means and includes—

- (1) any person who has the status of a British subject under the British Nationality Act, 1948;
- (2) British protected persons;
- (3) any corporation incorporated under the law of any part of His Majesty's dominions, protectorates or protected states or of any mandated territory or trust territory.

"Court of the Political Agent" means the Court established by Article 17.

"Chief Court" means the Court established by Article 17.

"Full Court" means the Court established by Article 17.

"The Court" means the Court of the Political Agent or the Chief Court or the Full Court.

"Foreigner" means any person (including a corporation) not a British or Muscat subject.

"Imprisonment" means imprisonment of either description as defined in the Indian Penal Code.

"Mandated territory" means a territory administered by the government of any part of His Majesty's dominions in accordance with a mandate from the League of Nations.

"Month" means calendar month.

"Muscat" includes all places and waters within the limits of this Order.

"Muscat subject" means a subject of the Sultan of Muscat and Oman, or any corporation incorporated under the law of Muscat.

"Muscat tribunal" means a court or tribunal exercising jurisdiction in Muscat under the authority of the Sultan.

(c) 57 & 58 Vict. c. 60.



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"Oath" or "Affidavit" includes affirmation or declaration.

"Offence" means any act or omission made punishable by any law for the time being in force.

"Person" includes corporation.

"Political Agent" means His Majesty's Agent at Muscat, appointed by the Secretary of State including a person acting temporarily with the approval of the Secretary of State for such Political Agent or his representative.

"Political Agency" means the Office, Residence, Court or other appointed place of business of the Political Agent.

"Political Resident" means His Majesty's Political Resident in the Persian Gulf, including a person acting temporarily with the approval of the Secretary of State for such Political Resident.

"Qazi" means any official Qazi appointed by the Sultan of Muscat and Oman and accepted by the Political Agent.

"Rules of Court" means rules of Court made under the provisions of this Order.

"Secretary of State" means one of His Majesty's Principal Secretaries of State.

"Ship" includes any vessel used in navigation, however propelled, with her tackle, furniture, and apparel, and any boat or other craft.

"Sultan of Muscat and Oman," hereinafter called "The Sultan," means the ruling Sultan of Muscat and Oman, or his duly accredited representative for the time being.

"Trust territory" means a territory administered by the government of any part of His Majesty's dominions under the trusteeship system of the United Nations.

"Will" means will, codicil, or other testamentary instrument.

The expressions "person to whom this Order applies" and "person subject to this Order" mean (without prejudice to the provisions of Article 18 (3)) the persons referred to in sub-paragraph (a) (i) and (ii) of paragraph (1) of Article 8.

Expressions used in any enactments applied to Muscat shall, unless a contrary intention appears, have the same respective meanings as in this Order.

5.—(1) In this Order words importing the plural or the singular may be construed as referring to one person or thing or to more than one person or thing, and words importing the masculine as referring to the feminine, as the case may require.

(2) Where this Order confers any power or imposes any duty, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(3) Where this Order confers a power, or imposes a duty on, or with respect to, a holder of an office as such, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed by, or with respect to, the holder for the time being of the office or the person temporarily acting for the holder.



(4) Where this Order confers a power to make any rules, regulations, or orders, the power shall, unless a contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, vary or amend the rules, regulations or orders.

(5) This Article shall apply to the construction of any regulations, rules, or orders made under this Order, unless a contrary intention appears.

6. Where this Order refers to any specified Act or Acts of Parliament, such reference shall, unless a contrary intention appears, be deemed to include any Act or Acts amending or substituted for the same. In the case of references to enactments of the Indian Legislature, the reference shall be to enactments in force on 14th August, 1947.

7. In the event of there being no Political Agent (including any person acting temporarily on his behalf under Article 5 (3)), available, all and every the powers, authorities, and immunities by this Order granted to him shall, until His Majesty's further pleasure is signified through the Secretary of State, be vested in the Political Resident.

8.—(1) The powers conferred by this Order shall extend to the persons and matters following, in so far as by Treaty, grant, usage, sufferance, or other lawful means, His Majesty has jurisdiction in relation to such persons, matters, and things, that is to say:—

(a) (i) British subjects within the limits of this Order, provided that no proceeding criminal or civil, shall be instituted against any British subject in the service of the Sultan until notice of the proceeding has been given to the Sultan or his representative;

(ii) Without prejudice to the provisions of Article 18 (3) Muscat subjects and foreigners who are in the regular service of the Political Agent.

(b) The property and all personal or proprietary rights and liabilities within the said limits of all British subjects and (without prejudice to the provisions of Article 18 (3)) of all Muscat subjects and foreigners who are in the regular service of the Political Agent, whether such persons are themselves within or without the limits of this Order.

(c) British ships with their boats, and the persons and property on board thereof, or belonging thereto, being within the limits of this Order.

(d) British aircraft, being within the limits of this Order.

(e) British subjects outside the limits of this Order on whom a writ of summons or other process may be served in accordance with Rules of Court.

(2) If a question arises whether any place is within the limits of this Order or whether any person is a British protected person or a foreigner as defined in this Order, such question may be referred by the Court to the Political Resident, and a certificate under his hand and seal shall be conclusive on the question, and judicial notice shall be taken thereof.

9. All His Majesty's jurisdiction exercisable within the limits of this Order for the hearing and determination of criminal and civil matters, or for the maintenance of order or for the control or administration of persons or property, or in relation thereto, shall be exercised under and according to the provisions of this Order, so far as this Order extends and applies.

10. Every judge and officer of the Courts established under this Order shall, as far as there is proper opportunity, promote reconciliation and encourage and facilitate the settlement in an amicable way, and without



recourse to litigation, of matters in difference between persons subject to this Order, or between persons subject to this Order and persons within the limits of this Order who are not subject to this Order.

PART II.—LAW TO BE APPLIED

11.—(1) Subject to the other provisions of this Order His Majesty's criminal and civil jurisdiction in Muscat shall, so far as circumstances admit, be exercised on the principles of, and in conformity with, the enactments applicable as hereinafter mentioned of the Indian Legislature and of the Bombay Legislature, and in accordance with the powers vested on 14th August, 1947, in the Courts in the province of Bombay beyond the limits of the ordinary original jurisdiction of the High Court of Judicature at Bombay, and with the practice and procedure observed by and before those Courts at that date, according to their respective jurisdiction and authority, and so far as such enactments, powers, practice and procedure are inapplicable shall be exercised in accordance with justice, equity and good conscience.

(2) The enactments mentioned in the schedule to this Order shall as from the date of the commencement of this Order apply to all persons subject to this Order as they applied on 14th August, 1947, in the province of Bombay, but subject to the following adaptations and modifications:—

- (i) All references in the said enactments to "British India" or any part thereof shall, except where the context otherwise requires, be construed as references to the limits of this Order and all references therein to the "Central Government" and the "Provincial Government" shall, except as otherwise provided or where the context otherwise requires, be construed as references to the Secretary of State and Political Resident respectively.
- (ii) For the purpose of facilitating the application of the said enactments, the Political Resident may, by order in writing, direct by what officers any power conferred by the said enactments on authorities other than the Central Government and the Provincial Government shall be exercisable.

(3) Any other enactments of the Indian Legislature or of the Bombay Legislature in force in the province of Bombay on 14th August, 1947, may be applied to Muscat by King's Regulations under Article 85 of this Order.

(4) The Court may construe any enactments in force in Muscat, under the provisions of this Article, with such alterations not affecting the substance as may be necessary or proper to adapt the same to the matter before the Court.

12.—(1) The following enactments shall apply to Muscat as if it were a British Colony or Possession but subject to the provisions of this Order and to the exceptions, adaptations, and modifications specified in paragraph (2) of this Article and in Article 24 below:—

- (i) The Admiralty Offences (Colonial) Acts, 1849 and 1860(d).
- (ii) The Foreign Tribunals Evidence Act, 1856(e).
- (iii) The Evidence by Commission Acts, 1859 and 1885(f).
- (iv) The British Law Ascertainment Act, 1859(g).
- (v) The Foreign Law Ascertainment Act, 1861(h).
- (vi) The Fugitive Offenders Act, 1881(i).
- (vii) The Merchant Shipping Act, 1894, Part XIII.

(d) 12 & 13 Vict. c. 96 and 23 & 24 Vict. c. 122.

(f) 22 Vict. c. 20 and 48 & 49 Vict. c. 74.

(h) 24 & 25 Vict. c. 11.

(e) 19 & 20 Vict. c. 113.

(g) 22 & 23 Vict. c. 63.

(i) 44 & 45 Vict. c. 69.



(2) (i) References in any of the said Acts to the Governor of a Colony or British Possession, to a Superior Court or Supreme Court, and to a Magistrate or Justice of the Peace of a Colony or British Possession shall be construed respectively as references to the Political Resident, the Full Court or, the Chief Court and the Court of the Political Agent.

(ii) With respect to the Fugitive Offenders Act, 1881:—

(a) So much of the 4th and 5th sections of the said Act as relates to sending a report of the issue of a warrant together with the information or a copy thereof, or to the sending of a certificate of committal and report of a case, or to the information to be given by a Magistrate to a fugitive shall be excepted, and in lieu of such information the person acting as the Magistrate shall inform the fugitive that in the British Possession to which he may be conveyed he has the right to apply for a writ of *habeas corpus* or other like process.

(b) So much of the 6th section of the said Act as requires the expiration of fifteen days before issue of warrant shall be excepted.

(c) The Political Resident shall not be bound to return a fugitive offender to a British Possession unless satisfied that the proceedings to obtain his return are taken with the consent of the Governor of that Possession.

(d) For the purposes of Part II of the said Act, Muscat, Bahrein, Kuwait, Qatar and the Trucial States, shall be deemed to be one group of British Possessions.

13. The Colonial Prisoners Removal Act, 1884(j), shall apply to Muscat as if it were a British Possession, but references to the Governor of a British Possession shall be construed as references to the Political Resident.

14. Where, by virtue of any Act of Parliament of the United Kingdom, or of this Order, or otherwise, any provisions of any Acts of Parliament of the United Kingdom, or of any Law in force in India, or of any Orders in Council other than this Order, are applicable within the limits of this Order, or any forms, regulations, or procedure prescribed or established by or under such Act, Law, or Order, are made applicable for any purpose of this Order, or any other Order relating to Muscat, such Acts, Laws, Orders, forms, regulations, or procedure may be construed or used with such alterations and adaptations not affecting the substance as may be necessary having regard to local circumstances, and anything required to be done by, to, or before any Court, Judge, Officer, or Authority may be done by, to, or before a Court, Judge, Officer, or Authority having the like or analogous functions, or by, to, or before any Officer designated by the Secretary of State or by the Court (as the case may require) for that purpose; and in case any difficulty occurs in the application the Secretary of State may direct by, to, or before whom and in what manner anything is to be done, and such Act, Law, Order, form, regulation or procedure shall be construed accordingly.

Where, under any such Act of Parliament, Law, or Order, any publication is required to be made as respects any judicial proceeding in any "Gazette" or otherwise, such publication shall be made by such mode as the Court shall think fit to direct.

15. All Orders, criminal or civil, duly made by a Court under the Bahrein, Kuwait, Qatar and Trucial States Orders may, on application to the Court be rendered enforceable within the limits of this Order as if they were Orders of the Court.

(j) 47 & 48 Vict. c. 31.



16.—(1) The Political Agent shall post in his office and in each court established under this Order the texts of laws and regulations of the Sultan which are rendered applicable to persons subject to this Order on the request of the Sultan, together with translations thereof. The texts and translations shall be signed by the Political Agent.

(2) In posting any law or regulation in accordance with sub-article (1) of this Article, the Political Agent shall specify the date as from which such law or regulation becomes applicable to persons subject to this Order.

(3) The Political Agent shall also, where necessary, by regulations signed by him and posted in the same manner, prescribe

(i) any adaptations or modifications not affecting the substance as may be necessary to facilitate the application by the Court of the Sultan's laws and regulations ;

(ii) penalties for the breach of such laws and regulations. Such penalties shall not exceed two years' imprisonment or a fine of 1,500 rupees or both ; provided that, in the case of any breach of a law or regulation relating to customs or prohibiting the importation, exportation or sale of any goods, the fine may extend to a sum equivalent to treble the value of the goods in relation to which the breach is committed. The penalties may also include the forfeiture of any goods, receptacles or things in relation to which, or to the contents of which, any breach is committed. The penalties prescribed by the Political Agent may be in substitution for any penalties laid down in the laws or regulations of the Sultan which are being applied.

(4) If no penalties are prescribed by the Political Agent under paragraph (ii) of sub-article (3) of this Article, the penalties shall be those, if any, laid down in the laws or regulations of the Sultan, always provided that these penalties do not exceed those specified in paragraph (ii) of sub-article (3).

(5) Copies of laws or regulations of the Sultan and translations, posted under sub-article (1), and of regulations made by the Political Agent and posted under sub-article (3), shall be kept open to inspection free of charge in the office of the Political Agent and shall be further published in such manner, if any, as the Political Resident shall from time to time direct. It shall not, however, be relevant in any legal proceeding whether the provisions of this paragraph have been complied with.

(6) Laws and regulations of the Sultan posted under sub-article (1) shall remain applicable to persons subject to this order until (i) they are repealed or amended by subsequent laws and regulations of the Sultan similarly posted ; or (ii) their application is terminated by regulations made by the Political Agent.

(7) Regulations made by the Political Agent under sub-article (3) shall remain in force until they are repealed or amended by subsequent regulations made by the Political Agent or by the Political Resident posted in the like manner as is provided in sub-article (3). The Political Resident may at any time make regulations repealing or amending regulations made by the Political Agent, and in sub-articles (5), (6) and (8) of this Article the expression "regulations made by the Political Agent" shall be deemed to include regulations made by the Political Resident.

(8) Notwithstanding any provisions of any other Article of this Order, the Court shall, in the exercise of its jurisdiction under this Order, apply laws and regulations of the Sultan and regulations made by the Political Agent and posted under the previous provisions of this Article.



PART III.—COURTS

17.—(1) For the purposes of the exercise of jurisdiction under this Order, there shall be constituted and maintained:—

- (i) The Court of the Political Agent :
- (ii) The Chief Court :
- (iii) The Full Court.

(2) (i) The Court of the Political Agent shall have the powers and jurisdiction:

- (a) in criminal matters of a District Magistrate and Sessions Judge :
- (b) in civil matters of a District or principal Civil Court of original jurisdiction in the district.

(ii) The Political Agent and such other officers as may from time to time be appointed for this purpose by the Secretary of State shall be the Judges of the Court of the Political Agent and shall have the powers of a District Magistrate and Sessions Judge and of a District Judge.

(3) (i) The Chief Court shall have the powers and jurisdiction:

- (a) in criminal matters of a High Court of Judicature:
- (b) in civil matters of the highest Court of Appeal for the district, and shall hear appeals from the Court of the Political Agent.

(ii) The Judges of the Chief Court shall be the Political Resident and the Assistant Judge. The Assistant Judge shall be appointed by order of the Secretary of State and shall be a person who has held judicial office under the Crown or been a Member of the Bar of England, Scotland or Northern Ireland of not less than 9 years' standing. Each Judge of the Chief Court may exercise all the powers and jurisdiction of the Court.

(4) (i) The Full Court shall have jurisdiction to hear and determine all appeals from the Chief Court and shall, as far as circumstances permit, follow the procedure and practice laid down in the Indian Codes of Criminal and Civil Procedure with regard to appeals. Appeals in civil matters shall only be by leave of the Chief Court.

(ii) The Full Court shall sit in accordance with arrangements from time to time made by the Political Resident, and shall be composed of not more than three and not less than two members nominated by the Political Resident from among the following:—

- The Political Resident
- The Assistant Judge
- Any Judge of the High Court of Kenya
- Any Judge of the High Court of Cyprus
- Any Member of the Bar of England, Scotland and Northern Ireland of not less than 9 years' standing.

(iii) Unless the Political Resident is sitting as a member of the Full Court, the senior member of the Court shall preside. In case of difference of opinion in the Full Court of three members, the decision shall be in accordance with the decision of the majority. In the case of a difference of opinion in the Full Court of two members, the decision under appeal shall stand, but the Political Resident may cause a third member to be added to the Court after the close of the hearing, who may participate in the decision after studying the record.

(5) Appeals from the Full Court to His Majesty in Council shall be either by leave of the Full Court or by special leave of His Majesty in Council. Rules of Court shall provide for the procedure to be followed with regard to appeals to His Majesty in Council.



PART IV.—CRIMINAL MATTERS

18.—(1) Subject to the other provisions of this Order the Code of Criminal Procedure and the other Indian enactments relating to the administration of criminal justice made applicable to all persons subject to this Order shall apply to, and have effect in, Muscat as if it were a district in the province of Bombay. The powers of the Central Government and of the Provincial Government under those enactments shall be exercisable by the Secretary of State.

Notwithstanding anything in the previous provisions of this paragraph, or in the enactments therein referred to, in any case involving an offence punishable under Chapters XVI to XXIII inclusive of the Indian Penal Code which under the second schedule of the Indian Code of Criminal Procedure is triable by a magistrate of the second or third class, the Political Agent may, if both the complainant and the defendant are Muhammadans and are acquiescent in such procedure, order the case to be tried by a Qazi, a representative from the Political Agent attending to record briefly the proceedings. In such cases the judgment passed by the Qazi shall not be carried into effect until it is ratified by the Court of the Political Agent, and the Court of the Political Agent shall have power to revise the finding and sentence as if the Qazi were a subordinate Magistrate, or to return the case for retrial to the same or another Qazi. The sentence of the Qazi, when ratified by the Court of the Political Agent, shall for all purposes be regarded as if it were the decision of the Court of the Political Agent.

(2) Any jurisdiction exercisable by the Chief Court in criminal matters under this Order may be exercisable by that Court either within the limits of this Order or elsewhere, within the limits of the Bahrein, Kuwait, Qatar and Trucial States Orders.

(3) No criminal proceeding shall be entertained by the Court against Muscat subjects and foreigners in the regular service of the Political Agent. Such Muscat subjects and foreigners shall not be deemed to be persons subject to this Order for the purpose of any criminal proceeding or matter.

19. In cases in which the Code of Criminal Procedure requires the sentence of a Court of Session to be confirmed by the High Court, the sentence shall be referred for confirmation to the Secretary of State instead of to the Chief Court.

20.—(1) Where a person subject to the Order is accused of the commission of an offence cognisable by the Court of the Political Agent, the Chief Court may, where it appears so expedient, by warrant under the hand and seal of the Political Resident, cause the accused to be sent for trial by a Court of the Political Agent established by Order in Council in Qatar, Bahrein, Kuwait, or the Trucial States.

(2) The warrant shall be sufficient authority to any person to whom it is directed to receive and retain the person therein named and to carry him to and deliver him up at Qatar, Bahrein, Kuwait, or the Trucial States according to the warrant.

(3) Where any person is to be sent to Qatar, Bahrein, Kuwait, or the Trucial States, the Court before which he is charged shall take the preliminary examination, and shall bind over such of the proper witnesses as are British subjects in their own recognisances to appear and give evidence on the trial.

(4) Where a person subject to the Bahrein, Kuwait, Qatar and Trucial States Orders is accused of an offence committed within the limits of the aforesaid Orders and has by warrant under seal of the Political Resident been



sent for trial in Muscat, the Court shall have power to try the case as if the alleged offence had been committed within the limits of this Order by a person subject to this Order.

21.—(1) The Political Resident may from time to time, subject to the directions of the Secretary of State, by general order under his hand and seal, prescribe the manner in which, and the places within the limits of this Order or of the Bahrein, Kuwait, Qatar and Trucial States Orders at which sentences passed by the Court are to be carried into execution. He may appoint any building or place specified in the order to be a prison for the purposes of this Order, and such persons as he thinks fit to be gaolers, keepers or officers of any such prison.

(2) If at the place at which any Court is held there is no place or building appointed as a prison in accordance with the preceding paragraph of this Article, it shall be lawful for any Court, by order or warrant under the seal of the Court, temporarily and for the purposes of any particular case or cases to appoint any place or building specified in the order to be a prison for the purposes of this Order, and such persons as the Court thinks fit to be keepers in such prison.

(3) A warrant under the seal of the Court shall be sufficient authority to the person or persons to whom it is directed to deliver and detain the person named therein according to the warrant at any prison appointed in accordance with the preceding paragraphs of this Article.

(4) A warrant under the seal of any other Court acting under the Bahrein, Kuwait, Qatar and Trucial States Orders shall be sufficient authority within the limits of this Order, to the person or persons to whom it is directed to deliver and detain the persons named therein according to the warrant at any prison appointed in accordance with the preceding paragraphs of this Article.

22.—(1) Without prejudice to the provisions of Article 23 of this Order, the Political Resident or the Court of the Political Agent, acting under the authority of the Political Resident may, by warrant under his hand and seal, order any person convicted by the Court and sentenced to imprisonment to be sent to and detained at any prison within the limits of this Order or the Bahrein, Kuwait, Qatar or Trucial States Orders, specified therein. Such prison may be a place appointed in accordance with the provisions of paragraph (1) of Article 20, or a place appointed temporarily and for the purpose of the particular case.

(2) The warrant of the Political Resident or the Political Agent acting under the authority of the Political Resident shall be sufficient authority to any person to whom it is directed to carry and deliver up the person therein named and to receive and detain him at the prison named according to the warrant.

(3) In any case where a person sentenced to imprisonment for a term exceeding one month is detained in a prison temporarily appointed in accordance with the provisions of paragraph (2) of Article 20, the Court by which the sentence was awarded shall report the case and the circumstances thereof to the Political Resident for his directions.

(4) Without prejudice to the provisions of Article 23, the Political Resident upon the receipt of such report may make an order under paragraph (1) of this Article, or may direct that the sentence shall continue to be served at the place where the prisoner is at present detained.



23.—(1) Where an offender convicted before any Court under this Order is sentenced to imprisonment, and the Political Resident proceeding under section 7 of the Foreign Jurisdiction Act, 1890, authority in that behalf being hereby given to him, considers it expedient that the sentence should be carried into effect elsewhere than within the limits of this Order, and the offender is accordingly sent for imprisonment to a place outside the limits of this Order, the place shall be either a place in some part of His Majesty's dominions the Government whereof consents that offenders may be sent thither under this Article, or a place in which by treaty, grant, usage, sufferance, or other lawful means His Majesty has jurisdiction.

(2) A warrant under the hand and seal of the Political Resident shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named and to carry him to and deliver him up at the place named according to the warrant.

24.—(1) In cases of murder or culpable homicide, if either the death or the criminal act which wholly or partly caused the death happened in Muscat, a Court acting under this Order shall have the like jurisdiction over any person to whom this Order applies who is charged either as a principal offender or as an abettor as if both such criminal act and the death had happened in Muscat.

(2) In the case of any offence committed on the high seas or within the Admiralty jurisdiction by any person who at the time of committing such offence was on board a British ship, or by any British subject on board a foreign ship to which he did not belong, the Court shall, subject to the provisions of this Order, have jurisdiction over such person as if the offence had been committed within its jurisdiction.

(3) In cases tried under this Article no different sentence can be passed from that which could have been passed in India if the crime had been tried there on 14th August, 1947.

(4) The foregoing provisions of this Article shall be deemed as well as the provisions of Article 12 (2) above to be adaptations, for the purposes of this Order and of the Foreign Jurisdiction Act, 1890, of the following enactments, namely:—

The Admiralty Offences (Colonial) Act, 1849 ;

The Admiralty Offences (Colonial) Act, 1860 ;

The Merchant Shipping Act, 1894, Part XIII ;

and those enactments shall apply accordingly, and be administered in Muscat.

25. Where a person is convicted of an offence the Court before which he is convicted may, if it thinks fit at any time before he is discharged, require him to give security to the satisfaction of the Court for his future good behaviour, and for that purpose may, if it thinks fit, cause him to come or be brought before the Court.

26.—(1) Where it is shown by evidence on oath, to the satisfaction of the Court, that any person to whom this Order applies has committed, or is about to commit, an offence against this Order, or is otherwise conducting himself so as to be dangerous to peace and good order, or is endeavouring to excite enmity between the people of Muscat and His Majesty, or is intriguing within the limits of this Order against His Majesty's power and authority, the Court may, if it thinks fit, by order under its seal, prohibit



that person from being within the limits of this Order during any time therein specified, not exceeding two years, or alternatively may require him to give security for his future good behaviour.

(2) The Court, by order in writing under its seal, may vary any order of prohibition (not extending the duration thereof), and may revoke any order of prohibition.

(3) The Court shall forthwith report the order and the grounds thereof to the Chief Court, which shall forthwith report to the Secretary of State every order made under this Article, and the grounds thereof, and the proceedings thereunder.

27.—(1) If any person to whom this Order applies fails to give security for good behaviour or for keeping the peace when lawfully required to do so, or fails during the continuance of the security to keep the peace or be of good behaviour, or fails to comply with an order of prohibition made under this Order, the Court may, if it thinks fit, order that he be deported from any place within its jurisdiction as prescribed by this Order.

(2) If the order of deportation is made by the Court, it shall forthwith report to the Chief Court the order and the grounds thereof.

(3) Thereupon the person ordered to be deported, unless the Chief Court thinks fit otherwise to direct, shall, as soon as practicable and in the case of a person convicted either after execution of the sentence or while it is in course of execution, be removed in custody under warrant to the place named in the warrant.

(4) The place named in the warrant shall be—

(i) a place in that part of His Majesty's dominions or in that protectorate, protected state, mandated territory or trust territory to which the person belongs or in that State of which the person is a national,

or
(ii) a place in another territory or State, the Government of which consents to the reception of persons deported under this Order.

(5) The Court, on making an order of deportation, may, if it thinks fit, order the person to be deported to pay all or any part of the expenses of his deportation, to be fixed by the Court in the order. Subject thereto, the expenses of deportation shall be defrayed as the Secretary of State, with the concurrence of the Treasury, may direct.

(6) The Chief Court shall forthwith report to the Secretary of State every order of deportation made under this Order, and the grounds thereof, and the proceedings thereunder.

(7) If a person deported under this Order returns to Muscat without permission in writing of the Chief Court or the Secretary of State (which permission the Chief Court or the Secretary of State respectively may give), he shall be punished with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees, or with both.

(8) He shall also be liable to be forthwith again deported under the original or a new order, and a fresh warrant.

28. An appeal shall not lie against an order of prohibition, or of deportation made under this Order.

29.—(1) Where under this Order a person is to be sent or removed or deported from any place within the jurisdiction of the Court as prescribed by this Order he shall, by warrant of the Court sealed with its seal, be



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detained, if necessary in custody or in prison, until a fit opportunity for his removal or deportation occurs, and then be put on board a vessel belonging to, or in the service of, His Majesty, or, if no such vessel is available, then on board some other British or other fit vessel.

(2) The warrant shall be sufficient authority to the person to whom it is directed or delivered for execution, and to the Commanding Officer or master of the vessel, to receive and detain the person therein named, in the manner therein prescribed, and to send or remove and carry him to the place therein named, according to the warrant.

(3) In case of sending or removal for any purpose other than deportation, the warrant shall be issued in duplicate, and the person executing it shall, as soon as practicable after his arrival at the place therein named, deliver according to the warrant, with one of the duplicates of the warrant, to a constable, or proper officer of police, or keeper of a prison, or other proper authority or person there, the person named in the warrant, to be produced on the order of the proper Court or authority there, or to be otherwise dealt with according to law.

30.—(1) If any person to whom this Order applies does any of the following things, namely: —

- (a) Wilfully by act or threat obstructs any Officer of, or person executing any process of, the Court in the performance of his duty; or
- (b) Within or close to the room or place where the Court is sitting wilfully misbehaves in a violent, threatening, or disrespectful manner to the disturbance of the Court, or to the intimidation of suitors or others resorting thereto; or
- (c) Wilfully insults any members of the Court, or any assessor, or any person acting as a Clerk or Officer of the Court during his sitting or attendance in Court, or in his going to or returning from Court; or
- (d) Does any act in relation to the Court or a Judge thereof, or a matter pending therein, which, if done in relation to a High Court in British India, would have been punishable as a contempt of such Court;

such person shall be liable to be apprehended by order of the Court with or without warrant, and, on inquiry and consideration, and after the hearing of any defence which such person may offer, without further process or trial, to be punished with a fine not exceeding 100 rupees, or with imprisonment not exceeding twenty-four hours.

A Minute shall be made and kept of every such case of punishment, recording the facts of the offence and the extent of the punishment.

Provided that, if the Court thinks fit, instead of proceeding under the preceding provisions, it may direct or cause the offender to be tried in a separate criminal prosecution or proceeding, in which the offender shall be liable to any punishment to which he would have been liable on 14th August, 1947, if the offence had been committed in relation to the Court of a Sessions Judge in India.

Nothing herein shall interfere with the power of the Court to remove or exclude persons who interrupt or obstruct the proceedings of the Court.

(2) The provisions of paragraph (1) of this Article shall also apply if any person subject to this Order does any of the acts enumerated in sub-paragraphs (b), (c) or (d) thereof in relation to a Qazi to whom a matter has been referred under Articles 18 (1), 41, 54 (4), or in relation to a Muscat Tribunal before which such person has appeared as a plaintiff or as a witness or, having submitted to the jurisdiction thereof, as a defendant.



31. Any act which, if it had been done in British India on 14th August, 1947, would have been an offence against the law then in force in British India, relating to trade-marks, merchandise marks, copyright designs, or inventions, shall if done in Muscat by a person to whom this Order applies, be an offence punishable with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees, or with both.

32.—(1) If any person to whom this Order applies:—

- (i) Publicly derides, mocks or insults any religion, established or observed within the limits of this Order; or
- (ii) Publicly offers insult to any religious service, feast, or ceremony established or kept in any place within those limits, or to any place of worship, tomb, or sanctuary belonging to any religion established or observed within those limits, or belonging to the ministers or professors thereof; or
- (iii) Publicly and wilfully commits any act tending to bring any religion established or observed within those limits, or its ceremonies, modes of worship, or observances into hatred, ridicule, or contempt, and thereby to provoke a breach of the public peace;

he shall be guilty of an offence, and on conviction thereof liable to imprisonment, which may extend to two years, with or without a fine not exceeding 500 rupees, or to a fine alone not exceeding 500 rupees.

(2) The Political Agent shall take such precautionary measures as seem to him proper and expedient for the prevention of such offences.

33.—(1) If any person subject to this Order prints, publishes, or offers for sale any printed or written newspaper or other publication containing seditious matter, he shall be guilty of an offence and on conviction thereof liable to imprisonment, which may extend to two years, with or without a fine not exceeding 1,000 rupees or to a fine alone not exceeding 1,000 rupees, and may, in addition to, or in lieu of, any other sentence, be ordered to give security for good behaviour, or to be deported.

(2) Where any printed or written newspaper or other publication containing seditious matter is printed, published, or offered for sale within the limits of this Order by a Company incorporated under the laws of any part of His Majesty's dominions, protectorates or protected states or of any mandated territory or trust territory, the Court may, after notice to the Company, and on proof of the facts, require the Company to give security to abstain from such printing, publishing, or offering for sale in future. If the Company fail to give security, or if the Company is shown to have again printed, published, or offered for sale such newspaper, or other publication containing seditious matter after giving such security, the Court may make an order prohibiting the Company from carrying on business within the limits of the Order, and may make such other orders as to the Court may seem just. The Court may also declare all the property of the Company within the limits of the Order to be forfeited to His Majesty, and shall dispose of it, subject to any general or special directions of the Secretary of State, as it thinks fit.

(3) Matter calculated to excite tumult or disorder, or to excite enmity between persons subject to this Order and the Sultan of Muscat or his subjects, or between different classes of person subject to this Order, or between the Sultan and Muscat subjects, shall be deemed to be seditious matter within the meaning of this Article.



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34.—(1) If a Clerk or Officer of the Court acting under pretence of the process or authority of the Court, is charged with extortion, or with not paying over money duly levied, or with other misconduct, the Court may, if it thinks fit, enquire into the charge in a summary way, and may for that purpose summon and enforce the attendance of all necessary persons as in a suit, and may make such order for the repayment of any money extorted, or for the payment over of any money levied, and for payment of such damages and costs as the Court thinks fit.

(2) The Court may also, if it thinks fit, on the same enquiry impose on the Clerk or Officer such fine, not exceeding 50 rupees for each offence, as the Court thinks fit.

(3) A Clerk or Officer punished under this Article shall not, without the leave of the Court, be liable to a civil suit in respect of the same matter; and any such suit, if already or afterwards begun, may be stayed by the Court in such manner and on such terms as the Court thinks fit.

(4) Nothing in this Article shall be deemed to prevent any person from being prosecuted under any other legal provision, which is applicable, for any act or omission punishable under this Article, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Article:

Provided that no person shall be punished twice for the same offence.

35. Any person being within the limits of this Order may be proceeded against, tried, and punished under this Order for piracy wherever committed.

36.—(1) The Foreign Jurisdiction Neutrality Order in Council, 1904(k) shall apply to all persons and to all property subject to this Order.

(2) Nothing in this Order shall affect the operation within the limits of the Order of the Foreign Jurisdiction (Military Forces) Order in Council, 1927(l).

37. Where a person entitled to appeal to the Chief Court or the Full Court from any judgment or order passed in the exercise of criminal jurisdiction under this Order desires so to appeal, he shall present his petition of appeal to the Court which passed the judgment or order; and the petition shall with all practicable speed be transmitted to the Chief Court or the Full Court with certified copies of the charge (if any) and proceedings, of all documentary evidence submitted or tendered, of the depositions, of the notes of the oral testimony, and of the judgment or order, and any argument on the petition of appeal that the appellant desires to submit to the Chief Court or the Full Court.

38. The Court against whose judgment or order the appeal is preferred may postpone the execution of the sentence pending the appeal, and shall, if necessary, commit the person convicted to prison for safe custody, or detain him in prison for safe custody, or shall admit him to bail, and may take security, by recognisance, deposit of money, or otherwise, for his payment of any fine.

PART V.—CIVIL MATTERS

39.—(1) Subject to the other provisions of this Order, the Code of Civil Procedure and the other Indian enactments relating to the administration of civil justice and to insolvency and bankruptcy made applicable to all persons subject to this Order shall apply to, and have effect in, Muscat as if it were a district in the province of Bombay on 14th August, 1947. The powers both of the Central Government and the Provincial Government under those enactments shall be exercisable by the Secretary of State.

(k) S.R. & O. 1904 (No. 1634) p. 174.

(l) S.R. & O. 1927 (No. 359) p. 478.



(2) Any jurisdiction exercisable by the Chief Court under this Order in civil matters may be exercised by that Court, either within the limits of this Order or elsewhere within the limits of the Bahrein, Kuwait, Qatar and Trucial States Orders.

40. When a suit between persons to whom this Order applies is filed in the Political Agency, the Political Agent shall enquire from the several parties whether they desire that proceedings shall be instituted in accordance with the Code of Civil Procedure and the Indian enactments made applicable to Muscat, or in accordance with local usage, and shall record their replies.

41.—(1) When any of the several parties desire that the suit shall be determined in accordance with the Code of Civil Procedure and other enactments made applicable to Muscat, the Court of the Political Agent shall forthwith proceed to decide the suit in accordance with the provisions of such enactments, as far as local conditions permit.

(2) The Court of the Political Agent may, however, refer any matter in the progress of a suit which involves a point of Muhammadan law to a Qazi for a decision, or may send any party or witness, being a Muhammadan, to a Qazi for the administration of an oath; or may refer any matter in the progress of a suit between parties belonging to the same community which, in the discretion of the Court, is a fit and proper subject for the decision of the local leaders of that community, to a punch or jama'at of the leaders of such community; or, in commercial cases, may refer any matter in the progress of a suit which, in the discretion of the Court is a fit and proper subject for the decision of the principal local merchants to a majlis or jama'at of such merchants.

42.—(1) Without prejudice to the provisions of sub-paragraph (2) of Article 41 or of Article 51, any question of personal status where the person whose status is in question is a Muhammadan may be referred by the Court to the appropriate Muscat tribunal for decision on such conditions as the Court may determine, and shall be so referred if any other party to the proceedings is a Muscat subject.

(2) For the purposes of this Article the following shall be deemed to be questions of personal status:—

- (i) All questions relating to the validity or dissolution of a marriage or to the rights of the spouses against each other as regards property or otherwise;
- (ii) All questions of filiation or legitimacy or adoption or relating to mutual rights and obligations of parent and child;
- (iii) Infancy and all questions relating to the custody and administration of the person and property of an infant;
- (iv) Lunacy and all questions relating to the custody and administration of the person and property of lunatics or persons of feeble mind.

43.—(1) The Foreign Jurisdiction (Admiralty) Order in Council, 1910(m), shall apply to Muscat, and the Chief Court shall have the jurisdiction conferred by Article 4 of that Order, and the Court of the Political Agent shall be deemed to be a Provincial Court, and the Registry thereof a District Registry within the meaning of the said Order.

(2) Admiralty actions commenced in the said Registry shall be tried in the Court of the Political Agent unless the Chief Court is at the time sitting within the limits of this Order, or unless all parties agree that the action shall be tried in the Chief Court sitting elsewhere than within the limits of this Order.

(m) S.R. & O. 1910 (No. 1183) p. 131.



(3) The duties of the Registrar and of the Marshal, either of the Chief Court or of the Court of the Political Agent, under the said Order shall be performed by such Officers as the Political Resident shall direct.

44.—(1) The Court of the Political Agent shall endeavour to obtain, as early as may be, notice of the deaths of all persons subject to this Order leaving property in any place within the limits of this Order, and all such information as may serve to guide the Court with respect to the securing and administration of their property.

(2) On receiving notice of the death of such a person the Court shall put up a notice thereof at the Court-house, and shall keep the same there until probate or administration is granted, or, where it appears to the Court that probate or administration will not be applied for or cannot be granted, for such time as it thinks fit.

(3) The Court shall, where the circumstances of the case appear so to require, as soon as may be, take possession of the property left by the deceased in any place within the limits of this Order, or put it under its seal (in either case, if the nature of the property or other circumstances so require, making an inventory) and so keep it until it can be dealt with according to law, perishable articles being disposed of as the Court may consider best in the interests of the estate.

(4) All expenses incurred on behalf of the Court in so doing shall be the first charge on the property of the deceased, and the Court shall, by sale of part of that property, or otherwise, provide for the discharge of these expenses.

(5) When a person subject to this Order dies in Muscat or elsewhere intestate, then, until administration is granted, his property in Muscat shall be vested in the Political Agent.

45. If a person to whom this Order applies, who is named executor in a will, and to the establishment of whose title as such it is necessary to obtain probate of that will, takes possession of and administers, or otherwise deals with, any part of the property of the deceased, and does not obtain probate within one month after the death, or after the termination of any proceeding respecting probate or administration, he shall be liable to pay double the amount of any fees chargeable on obtaining probate, and he shall also be liable to a fine which may extend to 1,000 rupees.

46. If any person to whom this Order applies, other than the person named executor, or the administrator, or a person entitled to represent the deceased without obtaining probate or letters of administration, or an Officer of the Court, takes possession of and administers or otherwise deals with, any part of the property of the deceased, he shall, as soon as practicable, notify the fact and the circumstances to the Court of the Political Agent, and shall furnish to the Court all such information as the Court requires, and shall conform to any direction of the Court in relation to the custody, disposal, or transmission of the property or the proceeds thereof, and, in case of any contravention of this Article, he shall be punished with a fine, which may extend to 1,000 rupees.

47. Where a person to whom this Order applies is named executor in a will and survives the testator, but either dies without having obtained probate or, having been called on by the Court to apply for probate, does not appear, his right in respect of the executorship wholly ceases; and, without further renunciation, the representation of the testator and the administration of his property shall go and may be committed as if that person had not been appointed executor.



48. Where it appears to the Court that the value of the property or estate of a deceased person subject to this Order does not exceed 1,500 rupees the Court may, without any probate, letters of administration or other formal proceeding, pay thereout any debts or charges and pay, remit or deliver any surplus to such persons and in such manner as the Court thinks proper, and no member or Officer of the Court shall be liable to any action, suit, or proceedings in respect of anything done under this Article.

49. The Foreign Jurisdiction (Probates) Order in Council, 1935^(a), shall apply to all persons and to all property subject to this Order.

50.—(1) When the circumstances of the case appear to the Court of the Political Agent so to require, for reasons recorded in its proceedings, the Court may, if it thinks fit, of its own motion or otherwise, grant letters of administration to an Officer of the Court.

(2) The Officer so appointed shall act under the direction of the Court, and shall be indemnified thereby.

(3) He shall publish such notices, if any, as the Court thinks fit, in Muscat, the United Kingdom, and elsewhere.

(4) The Court shall require and compel him to file in the proper Office of the Court his accounts of his administration at intervals not exceeding three months, and shall forthwith examine them and report thereon to the Chief Court.

(5) The accounts shall be audited under the direction of the Court of the Political Agent.

(6) All expenses incurred on behalf of the Court in execution of this Article shall be the first charge on the estate of the deceased as dealt with in accordance with the provisions of this Order; and the Court shall, by the sale of that estate or otherwise, provide for the discharge of those expenses.

51. In cases where parties are Muhammadans the Court of the Political Agent may refer any question concerning probate of wills or administration of property of deceased persons to whom this Order applies to a Qazi for settlement under the general supervision of the Court.

52.—(1) If an Officer of the Court, employed to execute a decree or order, loses, by neglect or omission, the opportunity of executing it, then, on complaint of the person aggrieved and proof of the fact alleged, the Court may, if it thinks fit, order the Officer to pay the damages sustained by the person complaining, or part thereof.

(2) The order may be enforced as an order directing payment of money.

PART VI.—MIXED CASES

(a) *Criminal*

53.—(1) When any person not subject to this Order desires to institute a complaint against a person to whom the said Order applies, the Court of the Political Agent shall entertain the same, and shall (a) hear it, or (b) if both parties are Muhammadans, refer it, with their consent, to a Qazi for decision, sending a representative of the Agency to record briefly the proceedings: such decision, when endorsed by the Court of the Political Agent, shall for all purposes be considered as if it were that of the Court of the Political Agent.

Provided that the person not subject to this Order shall, if so required by the Court, give security to the satisfaction of the Court, and to such reasonable amount as the Court thinks fit, by deposit or otherwise, to pay fees, costs and damages, and abide by and perform the decision to be given by the Court or on appeal.

^(a) S.R. & O. 1935 (No. 896) p. 522.



(2) A counter complaint shall not be brought in the Court against the complainant, being a person not subject to this Order.

(3) If a person to whom this Order applies has instituted a complaint against a person not subject to this Order in a Muscat tribunal and desires to appeal against the decision of the said tribunal to the Sultan or, in the case of the Sultan's absence, to the Sultan's representative, he shall give notice of his desire to the Court of the Political Agent within six weeks of the date of the decision and furnish such information as the Court may request relating to the proceedings, and the Court shall thereupon decide whether it will request the Sultan or his representative to hear the appeal.

(b) *Civil*

54.—(1) When any person not subject to this Order desires to bring a suit against a person to whom the said Order applies, the Court of the Political Agent shall admit the suit, and may (a) hear and determine the suit in his Court, or (b) with the consent of the several parties, refer the case to one or more arbitrators for decision:

Provided that the person not subject to this Order shall, if required by the Court, give security to the satisfaction of the Court, and to such reasonable amount as the Court thinks fit, by deposit or otherwise, to pay fees, costs and damages, and abide by and perform the decision to be given by the Court or on appeal.

(2) The award of the arbitrator or arbitrators under sub-paragraph 1 (b) shall be final, and shall not be open to appeal unless, on the application of a party made within a reasonable time, the same shall have been ordered by the Court of the Political Agent to be set aside on the ground that it is not final, or is defective, or that the arbitrator has exceeded his authority, or has been guilty of misconduct in the matter.

(3) A cross suit shall not be brought in the Court against a plaintiff, being a person not subject to this Order.

(4) Nothing herein mentioned shall prevent the Court of the Political Agent from referring any matter in the progress of a suit which involves a point of Muhammadan law to a Qazi for decision, or from sending any party or witness, being a Muhammadan, to a Qazi for the administration of an oath.

(5) If a person to whom this Order applies has instituted a suit against a person not subject to this Order in a Muscat tribunal and desires to appeal against the decision of the said tribunal to the Sultan or, in the case of the Sultan's absence, to the Sultan's representative, he shall give notice of his desire to the Court of the Political Agent within six weeks of the date of the decision and furnish such information as the Court may request relating to the proceedings, and the Court shall thereupon decide whether it will request the Sultan or his representative to hear the appeal.

55.—(1) Where a person to whom this Order does not apply obtains, in the Court, a decree or order against a defendant, being a person subject to this Order, and in another suit before a Muscat tribunal that defendant is plaintiff and the person to whom this Order does not apply is defendant the Court may, if it thinks fit, on the application of the person subject to this Order, stay the enforcement of the decree or order pending that other suit, and may set off any amount decreed or ordered to be paid by one party in one suit against any amount decreed or ordered to be paid by the other party in the other suit.



(2) Where a plaintiff, being a person to whom this Order does not apply, obtains a decree or order, in the Court, against two or more defendants being persons subject to this Order jointly, and in another suit before a Muscat tribunal one of them is a plaintiff and the person to whom this Order does not apply is defendant, the Court may, if it thinks fit, on the application of the persons subject to this Order, stay the enforcement of the decree or order pending that other suit, and may set off any amount decreed or ordered to be paid by one party in one suit against any amount decreed or ordered to be paid by the other party in the other suit, without prejudice to the right of the person subject to this Order to obtain contribution from his co-defendants under the joint liability.

(3) Where in a suit a person to whom this Order does not apply is co-plaintiff with a person subject to this Order, who is in Muscat it shall not be necessary for the person to whom this Order does not apply to give security under this Article as regards fees and costs, unless the Court so directs, but the co-plaintiff person subject to this Order shall be responsible for all fees and costs.

56.—(1) Every agreement for reference to arbitration between a person to whom this Order applies on the one hand, and a person not subject to this Order on the other hand, may, on the application of any party, be filed for execution in the Office of the Court.

(2) The Court shall thereupon have authority to enforce the agreement and the award made thereunder and to control and regulate the proceedings before and after the award in such manner and on such terms as the Court may think fit, in concert with the Sultan or his representative.

(c) General

57.—(1) Where it is proved that the attendance of a person to whom this Order applies, to give evidence, or for any other purpose connected with the administration of justice, is required before a Muscat tribunal, a Court established under this Order may, if it thinks fit, in a case and in circumstances in which the Court would require the attendance of that person before the Court, order that he do attend as required. The order may be made subject to such conditions as the Court thinks fit.

(2) If the person so ordered to attend, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly, and does not excuse his failure to the satisfaction of the Court, he shall, independently of any other liability, be liable to be punished with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees, or with both.

58. When a person to whom this Order applies invokes or submits to the jurisdiction of a Muscat tribunal, the Court may, on such evidence as it thinks fit to require, enforce payment of such fees and expenses in the same manner as if they were fees payable in a proceeding in the Court, and shall pay over and account for the same, when levied, to the proper Muscat authority, as the Court may direct. The Court may also enforce compliance with any judgment given by such Tribunal against such person in the same manner as it may enforce compliance with a judgment given by the Court.

59.—(1) If a person to whom this Order applies wilfully gives false evidence in a proceeding before a Muscat tribunal, or in an arbitration between a person to whom this Order applies, on the one hand, and a person to whom this Order does not apply, on the other hand, he shall be guilty of



an offence, and shall, on conviction, be liable to be punished with imprisonment for a term which may extend to two months or with a fine which may extend to 1,000 rupees, or with both.

(2) Nothing in this Article shall exempt a person from liability under any other law applicable within the limits of this Order to any other or higher punishment or penalty:

Provided that no person shall be punished twice for the same offence.

PART VII.—REGISTRATION

60. A register of persons subject to this Order (other than corporations) shall be kept in the Political Agency.

61. Every person subject to this Order (other than a corporation) resident within the limits of this Order shall, in the month of January of each year, be registered at the Political Agency. A person subject to this Order arriving within the limits of this Order shall apply for registration within one month after his arrival, provided that a person who fails to apply for or to obtain registration within the time limited by this Article may be registered at any time if he excuses his failure to the satisfaction of the Political Agent.

62. Where a person is in possession of a valid British passport, the Political Agent shall, on the first registration of any such person, endorse on the passport without further fee than that provided for in Article 65 a certificate of registration in such form as may be prescribed by the Secretary of State. Where any such person applies for the renewal of the registration and produces his passport, the renewal of the registration shall, without further fee than that provided for in Article 65, be endorsed thereon.

63. Every person, who has not previously been registered, applying to be registered under this Order shall, unless excused by the Political Agent, attend personally for that purpose at the Political Agency; but any person applying for the renewal of his registration need not attend personally unless directed by the Political Agent so to do, provided that the registration of the wife or wives of a man who is registered under this Order may, if she or they be living with him, be effected without their personal attendance being required, and provided also that the registration of minors, being his relatives in whatever degree, living with the head of a family who is registered under this Order, may be effected without their personal attendance being required.

64. A person registered in any register of British subjects established under the provisions of any Order in Council which have been repealed shall be registered under the provisions of this Order, unless the Political Agent is satisfied after enquiry that the previous registration was erroneous or that such person is not entitled to registration under the provisions of this Order.

65. Every person shall, on every registration of himself and on every renewal of registration, pay a fee of one rupee, or such other fee as the Secretary of State from time to time appoints. The amount of the fee so appointed may be uniform for all persons, or may vary according to the position and circumstances of different classes, if the Secretary of State from time to time so directs, but may not in any case exceed 3 rupees.

66. Where any person applies to be registered, he shall be entitled without a fee to the assistance of the Political Agent in the preparation of any affidavit that may be required.



67. The Political Agent may require the production of such evidence that an applicant for registration is entitled to the status of a British subject as he may see fit, but subject to such directions as may be issued by the Secretary of State.

68. If any person subject to this Order neglects to obtain registration under the provisions of this Order, he shall be liable to a fine not exceeding 25 rupees for each instance of such failure; but he shall, although not registered, be subject to the jurisdiction of the Courts established by this Order.

69. A register of companies incorporated or registered in the United Kingdom or in any other part of His Majesty's dominions, protectorates or protected states or in any mandated territory or trust territory and carrying on business in Muscat, shall be kept in the Political Agency, and every such company carrying on business in Muscat shall register there.

70. On the registration of a company at the Political Agency there shall be deposited and filed a copy of the certificate of incorporation of the company or other document corresponding thereto, a statement showing the nominal capital of the company and the amounts thereof which have been subscribed and paid up respectively, and, if the company has been incorporated under a law which provides for the periodical filing of a list of the share-holders, a copy of the last list so filed.

71. The Political Agent shall, on the registration of a company at the Political Agency, issue to the person making the registration a certificate, signed and sealed, that the company has been so registered.

72.—(1) Every company registered under this Order shall register the name and address of the manager or other chief local representative in Muscat, and shall from time to time, as may be necessary, register any alteration of the representative of the company or in his address.

(2) Rules of Court made under Article 77 may provide that service of writs, notices, or other documents upon the person registered under this Article, or at his address, shall be good service of such documents upon the company.

73. Registration of a company under this Order shall not require to be renewed annually, but may be renewed from time to time as the parties may desire, and shall be renewed when any change takes place in the name of the company.

74. On every registration of a company under this Order, and on every renewal thereof, there shall be payable a fee of 10 rupees, and on every registration under Article 72 (1) there shall be payable a fee of 1 rupee.

75. Any company failing to make such registration or to deposit or file such documents as required by Articles 69, 70 and 72 of this Order and every Director, Manager, Secretary or other officer who is knowingly a party to such default shall be guilty of an offence under this Order, and on proof thereof shall be liable to a fine not exceeding 15 rupees a day for every day during which such offence continues, but not exceeding in all 500 rupees. Such a company, although not registered, shall be subject to the jurisdiction of the Court.



57
PART VIII.—MISCELLANEOUS PROVISIONS

76.—(a) Persons subject to this Order are prohibited from alienating to or acquiring from any person of whatever nationality any land or house property within the limits of this Order, either by gift, purchase, mortgage, or other form of conveyance, without due execution of signature before and registration by the Political Agent previous to the transfer of such property.

Any person subject to this Order charged with any breach of this paragraph shall be liable to, and on conviction punishable under this Order by, a fine not exceeding 500 rupees, or the total value of the property purporting to be so transferred (whichever is greater), or imprisonment up to one calendar month, or both.

(b) Any deed, or instrument of gift, purchase, mortgage, or other form of conveyance, purporting to transfer property otherwise than in accordance with the provision of (a) above may, on that ground alone, be declared void and of no effect by any Court acting under this Order.

77. The Political Resident may, from time to time, make rules of procedure and other rules, consistent with this Order, for the better execution of the provisions herein contained in respect of any matter arising in the course of any civil or criminal case, including insolvency and bankruptcy proceedings. These rules shall be approved by the Secretary of State before they enter into force.

78.—(1) The Political Resident may, from time to time, make rules imposing fees leviable in respect of any proceedings in, or processes issued out of, any Court established under this Order. These rules shall be approved by the Secretary of State, with the concurrence of the Treasury, before they enter into force.

(2) But a Court before which any matter is pending may, in any case, if it thinks fit, on account of the poverty of a party, or for any other reason, dispense in whole or in part with the payment of any fees chargeable in respect of such matter.

79.—(1) All fees, charges, expenses, costs, fines, damages, and other money payable under this Order or under any law made applicable by this Order, may be enforced under order of the Court by seizure and sale of goods, and in default of sufficient goods, by imprisonment as a civil prisoner for a term not exceeding one month, but such imprisonment shall not operate as a satisfaction or extinguishment of the liability.

(2) Any bill of sale or mortgage or transfer of property made with a view of avoiding such seizure or sale shall not be effectual to defeat the provisions of this Order.

(3) All fees, penalties, fines and forfeitures levied under this Order, and fees, other than actual Court fees, that may be levied under the provisions of this Order shall be paid to the public account, and shall be applied in such manner as the Secretary of State, with the consent of the Treasury, may direct.

80. Whenever an acting Political Agent or Assistant Judge has commenced the hearing of any cause or matter, civil or criminal, he may, unless the Chief Court otherwise directs, continue and complete the hearing and determination thereof, notwithstanding that his authority to act as Political Agent or Assistant Judge has otherwise ceased by reason of the expiration of the time for which he was appointed to act or by reason of the happening of any event by which his authority is determined.



81. The Political Resident or the Political Agent may exercise any power conferred on any Justices of the Peace within His Majesty's dominions by any Act of Parliament, for the time being in force, regulating merchant seamen or the mercantile marine.

82. The Political Resident and the Political Agent shall each be entitled in Muscat to act as a Notary Public.

83. The Court shall have jurisdiction from time to time to make an order requiring a person to whom this Order applies to contribute in such manner as the Court directs to the support of his wife, or to the support of his or her child, whether legitimate or not, being in the opinion of the Court under the age of 16 years. Any such order may be made in a summary way as if the neglect to provide for the support of such wife or child were an offence, and any failure to comply with any such order shall be deemed to be an offence, and shall be punishable with a fine not exceeding by more than 10 rupees the amount unpaid under the said Order, and the Court may direct any fine imposed for such offence to be applied for the support of such wife or child in such manner as the Court thinks fit.

84. The Political Resident shall have power to make Regulations (to be called King's Regulations) for the following purposes (that is to say):—

- (a) For the peace, order, and good government of persons to whom this Order applies in relation to matters not provided for by this Order.
- (b) For securing the observance of any Treaty or arrangement for the time being in force, relating to any place within the limits of this Order, or of any native or local law or custom, whether relating to trade, commerce, revenue, or any other matter.
- (c) For applying, amending, modifying or repealing with respect to Muscat any Acts or enactments which apply, or are made applicable, or have been brought into operation in Muscat, by or under any of the provisions of Article 11 or 12 of this Order.
- (d) For regulating or preventing the importation or exportation of arms or munitions of war, or any parts or ingredients thereof, and for giving effect to any Treaty relating to the importation or exportation of the same.
- (e) For requiring returns to be made of the nature, quantity and value of articles exported from or imported into Muscat, by or on account of any person to whom this Order applies, or in any British ship, and for prescribing the times and manner at or in which and the persons by whom, such returns are to be made.
- (f) For the governance, visitation, care, and superintendence of prisons.
- (g) For the recovery of lighting and other dues for shipping.

85.—(1) Any Regulations made under the preceding Article may provide for forfeiture of any goods, receptacles, or things in relation to which, or to the contents of which, any breach is committed of such Regulations, or of any Treaty or any native or local law or custom the observance of which is provided for by such Regulations.

(2) Any person to whom this Order applies committing a breach of any such Regulations shall, in addition to any forfeiture prescribed thereby, be liable, on conviction, to imprisonment for a period not exceeding two years or to a fine or to both.

86.—(1) King's Regulations shall not take effect until they are allowed by the Secretary of State; provided that in case of urgency declared in any such Regulations the same shall take effect before such allowance, and shall



continue to have effect unless and until they are disallowed by the Secretary of State, and until notification of such disallowance is received and published by the Political Resident, and such disallowance shall be without prejudice to anything done or suffered under such Regulations in the meantime.

(2) All King's Regulations shall be published by the Political Resident in such manner and at such places as he may think proper.

(3) In this Order "breach of the Regulations" includes the breach of any native or local law or custom, the observance of which is required by any King's Regulations.

87. Judicial notice shall be taken of this Order and of the commencement thereof, and of the appointment of the Political Resident, Political Agent, and the Assistant Judge, and of the constitution and limits of the Courts and districts and of the seals and signatures, and of any rules and regulations made or in force under this Order, and no proof shall be required of any of such matters.

88. The Court shall recognise and apply any reasonable custom existing in Muscat, unless this Order contains some express and specific provision incompatible with the observance thereof.

89. Nothing in this Order shall—

- (i) Affect any jurisdiction for the time being exercisable by the Court of the Political Resident under any Act of Parliament of the United Kingdom other than the Foreign Jurisdiction Act, 1890; or
- (ii) Prevent the Court of the Political Agent from doing anything which His Majesty's Consuls in the dominions of any State in amity with His Majesty are for the time being by law, usage or sufferance entitled or enabled to do.

90. Not later than the 31st day of March in each year, or such other day as the Secretary of State directs from time to time, the Political Resident shall send to the Secretary of State a report on the operation of this Order up to the 31st day of December in the previous year, or such other date as the Secretary of State directs from time to time, showing for the preceding twelve months the number and nature of the proceedings, criminal and civil, taken under this Order, and the result thereof, and the number and amount of fees received, and such other information, and being in such form as the Secretary of State from time to time directs.

91.—(1) As from the commencement of this Order the Muscat Order in Council 1939 shall be repealed; but this repeal shall not—

- (a) Affect the past operation of that Order or any appointment made, or any right, title, obligation, or liability accrued, or the validity or invalidity of anything done or suffered under that Order, before the making of this Order;
- (b) Interfere with the institution or prosecution of any proceeding or action, criminal or civil, in respect of any offence committed against or forfeiture incurred or liability accrued under or in consequence of any provision of that Order or any regulation confirmed by any such Order or made thereunder;
- (c) Take away or abridge any protection or benefit given or to be enjoyed in relation thereto.



(2) Notwithstanding the repeal of the Order aforesaid, all rules and regulations approved or confirmed by or under such Order so repealed shall continue and be as if this Order had not been made; but so that the same may be revoked, altered, or otherwise dealt with under this Order, as if they had been made under this Order.

(3) Criminal or civil proceedings begun under the Order repealed by this Order, and pending at the time when this Order comes into operation, shall, from and after that time, be regulated by the provisions of this Order, as far as the nature and circumstances of each case admit.

92.—(1) A printed copy of this Order, and of all Rules of Procedure and other Rules for the time being in force under this Order, shall be kept open to inspection free of charge in the Office of the Political Agent and of each Court established under this Order.

(2) Printed copies thereof shall be sold in Muscat at such reasonable price as the Political Agent from time to time directs.

93. This Order shall be laid before Parliament and shall come into force on 12th April, 1949.

The Right Honourable Ernest Bevin, His Majesty's Principal Secretary of State for Foreign Affairs, is to give the necessary directions herein.

E. C. E. Leadbitter.

SCHEDULE

INDIAN ACTS APPLIED

The Indian Penal Code, 1860 (Act XLV of 1860).

The Indian Divorce Act, 1869 (Act IV of 1869), except so much as relates to divorce and nullity of marriage.

The Bombay Civil Courts Act, 1869 (Act XIV of 1869), except sections 6, 15, 23, 32, 33, 34, 38 to 43 (both inclusive), the last clause of section 19, and the last two clauses of section 22.

The Indian Court Fees Act, 1870 (Act VII of 1870).

The Indian Evidence Act, 1872 (Act I of 1872).

The Indian Contract Act, 1872 (Act IX of 1872).

The Indian Christian Marriage Act, 1872 (Act XV of 1872).

The Indian Oaths Act, 1873 (Act X of 1873).

The Indian Majority Act, 1875 (Act IX of 1875).

The Births, Deaths and Marriages Registration Act of 1886 (Act VI of 1886).

The Provincial Small Cause Courts Act, 1887 (Act IX of 1887).

The Prevention of Cruelty to Animals Act, 1890 (Act XI of 1890).

The Code of Criminal Procedure, 1898 (Act V of 1898), except Chapter XXXIII.

So much of the Indian Post Office Act, 1898 (Act VI of 1898), as relates to offences against the Post Office.

The Code of Civil Procedure, 1908 (Act V of 1908).

The Indian Limitation Act, 1908 (Act IX of 1908), so far as it applies to appeals and applications.

The Whipping Act, 1909 (Act IV of 1909).

The Indian Lunacy Act, 1912 (Act IV of 1912).

The Indian Companies Act, 1913 (Act VII of 1913).

The Indian Merchant Shipping Act, 1923 (Act XXI of 1923), Part IV, except Sections 174 to 192, inclusive, and sub-section 3 of Section 213.

The Indian Succession Act, 1925 (Act XXXIX of 1925).

And the enactments relating to insolvency and bankruptcy in force in the Presidency of Bombay beyond the limits of the ordinary original jurisdiction of the High Court of Judicature of Bombay.



EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

1. This Order-in-Council relating to Muscat should be read with the Orders relating to Bahrein, Kuwait, Qatar and the Trucial States which were made at the same time as this Order.

2. In the territory of all these States, by agreement with their rulers, His Majesty exercises jurisdiction over certain persons and property. The extent of this jurisdiction varies slightly in the different States. This jurisdiction has been exercised under Order-in-Council made for each State or the Trucial States group under the Foreign Jurisdiction Act, 1890.

3. The Orders were *mutatis mutandis* the same for each State or group of States and have a certain unity arising from the fact that the Political Resident in the Persian Gulf is His Majesty's Principal Representative and is also the Chief Judge of the Superior Court in each State or group of States.

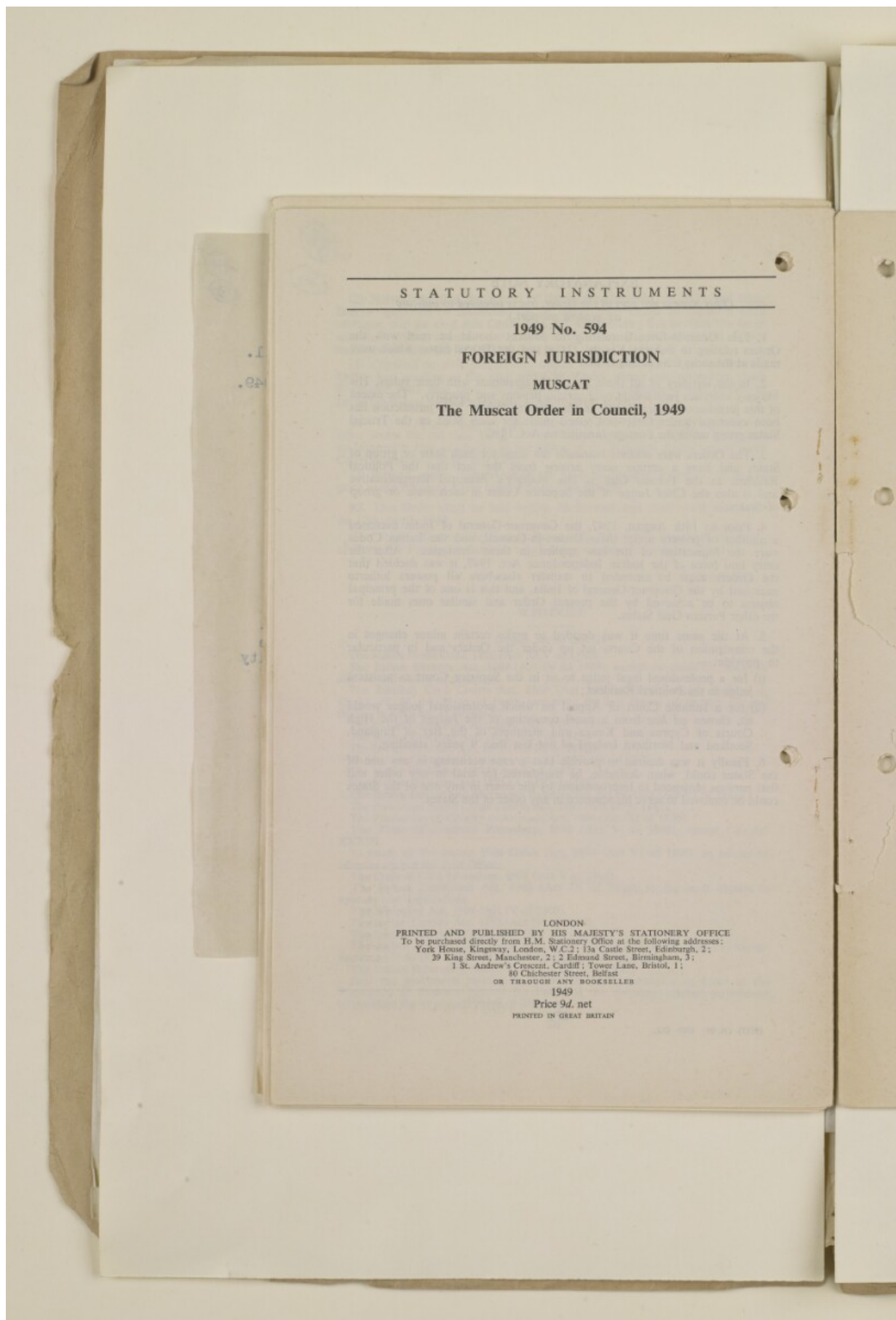
4. Prior to 14th August, 1947, the Governor-General of India exercised a number of powers under these Orders-in-Council, and the Indian Codes were the foundation of the law applied in these territories. After the entry into force of the Indian Independence Act, 1947, it was decided that the Orders must be amended to transfer elsewhere all powers hitherto exercised by the Governor-General of India, and this is one of the principal objects to be achieved by the present Order and similar ones made for the other Persian Gulf States.

5. At the same time it was decided to make certain minor changes in the constitution of the Courts set up under the Orders and in particular to provide:—

(i) for a professional legal judge to sit in the Superior Court as assistant judge to the Political Resident:

(ii) for a suitable Court of Appeal on which professional judges would sit, chosen *ad hoc* from a panel consisting of the Judges of the High Courts of Cyprus and Kenya and members of the Bar of England, Scotland and Northern Ireland of not less than 9 years' standing.

6. Finally it was desired to provide that a case occurring in any one of the States could, when desirable, be transferred for trial in any other and that persons sentenced to imprisonment by the court in any one of the States could be removed to serve his sentence in any other of the States.





STATUTORY INSTRUMENTS

1949 No. 596

FOREIGN JURISDICTION

TRUCIAL STATES

The Trucial States Order in Council, 1949

Made 29th March, 1949
Laid before Parliament 30th March, 1949
Coming into Operation 12th April, 1949

At the Court at Buckingham Palace, the 29th day of March, 1949

Present

The King's Most Excellent Majesty in Council

Whereas by Treaty, capitulation, grant, usage, sufferance, and other lawful means His Majesty the King has jurisdiction within the territories of the Rulers of Dubai, Sharjah, Ras-al-Khaimah, Ajman, Umm al Qawain, Abu Dhabi and Kalba ;

And Whereas provision was made for the exercise of such jurisdiction by the Trucial States Order in Council 1946(a) ;

And Whereas it is expedient to repeal the said Order in Council and make other provisions for the exercise of the said jurisdiction ;

Now, therefore, His Majesty, by virtue and in exercise of the powers in his behalf by the Foreign Jurisdiction Acts, 1890 and 1913(b), or otherwise, His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

PART I.—PRELIMINARY AND GENERAL

1. This Order may be cited as the Trucial States Order in Council, 1949.

2. The limits of this Order are the territories of the Trucial Sheikhs, including the territorial waters adjacent thereto, and all other territories, islands, and islets which may be included in the territories and be the possessions of the Trucial Sheikhs, together with their territorial waters.

3. This Order is divided into parts as follows:—

Parts.	Subject.	Articles.
I.	Preliminary and General	1-10
II.	Law to be applied	11-15
III.	Courts	16
IV.	Criminal Matters	17-39
V.	Civil Matters	40-52
VI.	Mixed Cases: Trucial States Subjects and Persons Subject to this Order.	53-59
VII.	Registration	60-75
VIII.	Miscellaneous Provisions Schedule.	76-94

(a) S.R. & O. 1946 (No. 2260) I, p. 599.

(b) 53 & 54 Vict. c. 37 and 3 & 4 Geo. 5, c. 16.



4. In the construction of this Order and of any Rules, Regulations or Orders made thereunder the following words and expressions have the meanings hereby assigned to them, unless there is something in the subject or context repugnant thereto, that is to say:—

"Administration" means letters of administration, including the same with will annexed, or granted for special or limited purposes, or limited in duration.

"British aircraft" means an aircraft registered in any part of His Majesty's dominions, protectorates or protected states, other than Koweit, Bahrein and Qatar, or in any mandated territory or trust territory.

"British protected person" means a person other than a corporation properly enjoying His Majesty's protection in the Trucial States but does not include—

(i) a person who has the status of a British subject under the British Nationality Act, 1948;

(ii) foreigners subject to this Order under Article 8 (1) (a) (ii) thereof.

"British ship" means a merchant ship, being a British ship within the meaning of the Merchant Shipping Act, 1894(e), and, except where the context otherwise requires, includes a ship belonging to any British subject as herein defined.

"British subject" means and includes—

(1) any person who has the status of a British subject under the British Nationality Act, 1948;

(2) British protected persons;

(3) any corporation incorporated under the law of any part of His Majesty's dominions, protectorates or protected states or of any mandated territory or trust territory.

"Court of the Political Agent" means the Court established by Article 16.

"Chief Court" means the Court established by Article 16.

"Full Court" means the Court established by Article 16.

"The Court" means the Court of the Political Agent or the Chief Court or Full Court.

"Foreigner" means any person (including a corporation) not a British or Trucial States subject.

"Imprisonment" means imprisonment of either description as defined in the Indian Penal Code.

"Joint Court" means a court composed of the Political Agent and the Trucial Sheikh whose subject is party to the proceedings or their representatives.

"Judicial Assistant" means the officer for the time being appointed by the Secretary of State to be Judicial Assistant to the Political Resident.

"Mandated territory" means a territory administered by the government of any part of His Majesty's dominions in accordance with a mandate from the League of Nations.

"Month" means calendar month.

"Oath" or "Affidavit" includes affirmation or declaration.

"Offence" means any act or omission made punishable by any law for the time being in force.

"Person" includes corporation.

(e) 57 & 58 Vict. c. 60.



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"Political Agent" means His Majesty's Agent at Bahrein, appointed by the Secretary of State including a person acting temporarily with the approval of the Secretary of State for such Political Agent or his representative or any Political Agent who may subsequently be appointed to reside in the Trucial States.

"Political Agency" means the Office, Residence, Court or other appointed place of business of the Political Agent.

"Political Resident" means His Majesty's Political Resident in the Persian Gulf, including a person acting temporarily with the approval of the Secretary of State for such Political Resident.

"Qazi" means any official Qazi appointed by any of the Trucial Sheikhs and accepted by the Political Agent.

"Rules of Court" means rules of Court made under the provisions of this Order.

"Secretary of State" means one of His Majesty's Principal Secretaries of State.

"Ship" includes any vessel used in navigation, however propelled, with her tackle, furniture, and apparel, and any boat or other craft.

"Treaty" includes any capitulations, convention, agreement or arrangement made by or on behalf of His Majesty with any State or Government, King, Chief, people, or tribe, or to the benefits of which His Majesty has succeeded, whether the Trucial Sheikhs are or are not parties thereto.

"Trucial Sheikhs" means the ruling Sheikhs of Dubai, Sharjah, Ras-al-Khaimah, Ajman, Umm Al Qawain, Abu Dhabi and Kalba, or their duly accredited representatives for the time being.

"Trucial States" includes all places and waters within the limits of this Order.

"Trucial States subject" means a subject of any of the Trucial Sheikhs.

"Trust territory" means a territory administered by the government of any part of His Majesty's dominions under the trusteeship system of the United Nations.

"Will" means will, codicil, or other testamentary instrument.

The expressions "person to whom this Order applies" and "person subject to this Order" mean the persons referred to in subparagraphs (a) (i) and (ii) of paragraph (1) of Article 8.

Expressions used in any enactments applied to the Trucial States shall, unless a contrary intention appears, have the same respective meanings as in this Order.

5.—(1) In this Order words importing the plural or the singular may be construed as referring to one person or thing or to more than one person or thing, and words importing the masculine as referring to the feminine, as the case may require.

(2) Where this Order confers any power or imposes any duty, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(3) Where this Order confers a power, or imposes a duty on, or with respect to, a holder of an office as such, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed by, or with respect to, the holder for the time being of the office or the person temporarily acting for the holder.



(4) Where this Order confers a power to make any rules, regulations, or orders, the power shall, unless a contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, vary or amend the rules, regulations or orders.

(5) This Article shall apply to the construction of any regulations, rules, or orders made under this Order, unless a contrary intention appears.

6. Where this Order refers to any specified Act or Acts of Parliament, such reference shall, unless a contrary intention appears, be deemed to include any Act or Acts amending or substituted for the same.

7. In the event of the death, incapacity, removal, or absence of the Political Agent for the time being, all and every the powers, authorities, and immunities by this Order granted to him shall, until His Majesty's further pleasure is signified through the Secretary of State, be vested in the Political Resident.

8.—(1) The powers conferred by this Order shall extend to the persons and matters following, in so far as by treaty, grant, usage, sufferance, or other lawful means, His Majesty has jurisdiction in relation to such persons, matters, and things, that is to say:—

(a) (i) British subjects within the limits of this Order ;

(ii) Foreigners within the limits of this Order.

(b) The property and all personal or proprietary rights, and liabilities within the said limits of all British subjects and foreigners.

(c) British ships and ships belonging to foreigners with their boats, and the persons and property on board thereof, or belonging thereto, being within the limits of this Order provided that jurisdiction over foreign ships shall not be exercised otherwise than according to the practice followed in the exercise of such jurisdiction by the High Court of Judicature at Bombay on 14th August, 1947.

(d) British aircraft and aircraft belonging to foreigners, being within the limits of this Order.

(e) British subjects outside the limits of this Order on whom a writ of summons or other process may be served in accordance with Rules of Court.

(2) If a question arises whether any place is within the limits of this Order or whether any person is a British protected person or a foreigner as defined in this Order, such question may be referred by the Court to the Political Resident, and a certificate under his hand and seal shall be conclusive on the question, and judicial notice shall be taken thereof.

9. All His Majesty's jurisdiction exercisable within the limits of this Order for the hearing and determination of criminal and civil matters, or for the maintenance of order or for the control or administration of persons or property, or in relation thereto, shall be exercised under and according to the provisions of this Order, so far as this Order extends and applies.

10. Every judge and officer of the Courts established under this Order shall, as far as there is proper opportunity, promote reconciliation and encourage and facilitate the settlement in an amicable way, and without recourse to litigation, of matters in difference between persons subject to this Order, or between persons subject to this Order and persons within the limits of this Order who are not subject to this Order.



PART II.—LAW TO BE APPLIED

11.—(1) Subject to the other provisions of this Order His Majesty's criminal and civil jurisdiction in the Trucial States shall, so far as circumstances admit, be exercised on the principles of, and in conformity with, the enactments applicable as hereinafter mentioned of the Indian Legislature and of the Bombay Legislature, and in accordance with the powers vested on 14th August, 1947, in the Courts in the province of Bombay beyond the limits of the ordinary original jurisdiction of the High Court of Judicature at Bombay, and with the practice and procedure observed by and before those Courts at that date, according to their respective jurisdiction and authority, and so far as such enactments, powers, practice and procedure are inapplicable shall be exercised in accordance with justice, equity and good conscience.

(2) The enactments mentioned in the schedule to this Order shall as from the date of the commencement of this Order apply to all persons subject to this Order as they applied on 14th August, 1947, in the province of Bombay, but subject to the following adaptations and modifications:—

(i) All references in the said enactments to "British India" or any part thereof shall, except where the context otherwise requires, be construed as references to the limits of this Order and all references therein to the "Central Government" and the "Provincial Government" shall, except as otherwise provided or where the context otherwise requires, be construed as references to the Secretary of State and Political Resident respectively.

(ii) For the purpose of facilitating the application of the said enactments, the Political Resident may, by order in writing, direct by what officers any power conferred by the said enactments on authorities other than the Central Government and the Provincial Government shall be exercisable.

(3) Any other enactments of the Indian Legislature or of the Bombay Legislature in force in the province of Bombay on 14th August, 1947, may be applied to the Trucial States by King's Regulations under Article 85 of this Order.

(4) The Court may construe any enactments in force in the Trucial States, under the provisions of this Article, with such alterations not affecting the substance as may be necessary or proper to adapt the same to the matter before the Court.

12.—(1) The following enactments shall apply to the Trucial States as if they were British Colonies or Possessions but subject to the provisions of this Order and to the exceptions, adaptations, and modifications specified in paragraph (2) of this Article and in Article 23 below:—

(i) The Admiralty Offences (Colonial) Acts, 1849 and 1860(d).

(ii) The Foreign Tribunals Evidence Act, 1856(e).

(iii) The Evidence by Commission Acts, 1859 and 1885(f).

(iv) The British Law Ascertainment Act, 1859(g).

(v) The Foreign Law Ascertainment Act, 1861(h).

(vi) The Fugitive Offenders Act, 1881(i).

(vii) The Merchant Shipping Act, 1894, Part XIII.

(d) 12 & 13 Vict. c. 96 and 23 & 24 Vict. c. 122.

(e) 19 & 20 Vict. c. 113.

(f) 22 Vict. c. 20 and 48 & 49 Vict. c. 74.

(g) 22 & 23 Vict. c. 63.

(h) 24 & 25 Vict. c. 11.

(i) 44 & 45 Vict. c. 69.



(2) (i) References in any of the said Acts to the Governor of a Colony or British Possession, to a Superior Court or Supreme Court, and to a Magistrate or Justice of the Peace of a Colony or British Possession shall be construed respectively as references to the Political Resident, the Full Court, the Chief Court and the Court of the Political Agent.

(ii) With respect to the Fugitive Offenders Act, 1881:—

(a) The Act shall extend only to British subjects.

(b) So much of the 4th and 5th sections of the said Act as relates to sending a report of the issue of a warrant together with the information or a copy thereof, or to the sending of a certificate of commitment and report of a case, or to the information to be given by a Magistrate to a fugitive shall be excepted, and in lieu of such information the person acting as the Magistrate shall inform the fugitive that in the British Possession to which he may be conveyed he has the right to apply for a writ of *habeas corpus* or other like process.

(c) So much of the 6th section of the said Act as requires the expiration of fifteen days before issue of warrant shall be excepted.

(d) The Political Resident shall not be bound to return a fugitive offender to a British Possession unless satisfied that the proceedings to obtain his return are taken with the consent of the Governor of that Possession.

(e) For the purposes of Part II of the said Act, Muscat, Bahrein, Kuwait, Qatar and the Trucial States, shall be deemed to be one group of British Possessions.

13. The Colonial Prisoners Removal Act, 1884(j), shall apply to the Trucial States as if they were British Possessions, but references to the Governor of a British Possession shall be construed as references to the Political Resident.

14. Where, by virtue of any Act of Parliament of the United Kingdom, or of this Order, or otherwise, any provisions of any Acts of Parliament of the United Kingdom, or of any Law in force in India, or of any Orders in Council other than this Order, are applicable within the limits of this Order, or any forms, regulations, or procedure prescribed or established by or under such Act, Law, or Order, are made applicable for any purpose of this Order, or any other Order relating to the Trucial States, such Acts, Laws, Orders, forms, regulations, or procedure may be construed or used with such alterations and adaptations not affecting the substance as may be necessary having regard to local circumstances, and anything required to be done by, to, or before any Court, Judge, Officer, or Authority may be done by, to, or before a Court, Judge, Officer, or Authority having the like or analogous functions, or by, to, or before any Officer designated by the Secretary of State or by the Court (as the case may require) for that purpose; and in any case any difficulty occurs in the application the Secretary of State may direct by, to, or before whom and in what manner anything is to be done, and such Act, Law, Order, form, regulation or procedure shall be construed accordingly.

Where, under any such Act of Parliament, Law, or Order, any publication is required to be made as respects any judicial proceeding in any "Gazette" or otherwise, such publication shall be made by such mode as the Court shall think fit to direct.

15. All orders, criminal or civil, duly made by a Court under the Bahrein, Kuwait, Qatar, and Muscat Orders, may on application to the Court, be rendered enforceable within the limits of this Order as if they were orders of the Court.

(j) 47 & 48 Vict. c. 31.



PART III.—COURTS

16.—(1) For the purposes of the exercise of jurisdiction under this Order, there shall be constituted and maintained:—

- (i) The Court of the Political Agent;
- (ii) The Chief Court;
- (iii) The Full Court.

(2) (i) The Court of the Political Agent shall have the powers and jurisdiction:—

- (a) in criminal matters of a District Magistrate and Sessions Judge;
- (b) in civil matters of a District or principal Civil Court of original jurisdiction in the district.

(ii) The Political Agent and such other officers as may from time to time be appointed for this purpose by the Secretary of State shall be the Judges of the Court of the Political Agent and shall have the powers of a District Magistrate and Sessions Judge and of a District Judge.

(3) (i) The Chief Court shall have the powers and jurisdiction:—

- (a) in criminal matters of a High Court of Judicature;
- (b) in civil matters of the highest Court of Appeal for the district, and shall hear appeals from the Court of the Political Agent.

(ii) The Judges of the Chief Court shall be the Political Resident and the Assistant Judge. The Assistant Judge shall be appointed by order of the Secretary of State and shall be a person who has held judicial office under the Crown or been a Member of the Bar of England, Scotland or Northern Ireland of not less than 9 years' standing. Each Judge of the Chief Court may exercise all the powers and jurisdiction of the Court.

(4) (i) The Full Court shall have jurisdiction to hear and determine all appeals from the Chief Court and shall, as far as circumstances permit, follow the procedure and practice laid down in the Indian Codes of Criminal and Civil Procedure with regard to appeals. Appeals in civil matters shall only be by leave of the Chief Court.

(ii) The Full Court shall sit in accordance with arrangements from time to time made by the Political Resident, and shall be composed of not more than three and not less than two members nominated by the Political Resident from among the following:—

The Political Resident.

The Assistant Judge.

Any Judge of the High Court of Kenya.

Any Judge of the High Court of Cyprus.

Any Member of the Bar of England, Scotland and Northern Ireland of not less than 9 years' standing.

(iii) Unless the Political Resident is sitting as a member of the Full Court, the senior member of the Court shall preside. In case of difference of opinion in the Full Court of three members, the decision shall be in accordance with the decision of the majority. In the case of a difference of opinion in the Full Court of two members, the decision under appeal shall stand, but the Political Resident may cause a third member to be added to the Court after the close of the hearing, who may participate in the decision after studying the record.

(5) Appeals from the Full Court to His Majesty in Council shall be either by leave of the Full Court or by special leave of His Majesty in Council. Rules of Court shall provide for the procedure to be followed with regard to appeals to His Majesty in Council.



PART IV.—CRIMINAL MATTERS

17.—(1) Subject to the other provisions of this Order the Code of Criminal Procedure and the other Indian enactments relating to the administration of criminal justice made applicable to all persons subject to this Order shall apply to, and have effect in, the Trucial States as if they were a district in the province of Bombay. The powers of the Central Government and of the Provincial Government under those enactments shall be exercisable by the Secretary of State.

Notwithstanding anything in the previous provisions of this paragraph, or in the enactments therein referred to, in any case involving an offence punishable under Chapters XVI to XXIII inclusive of the Indian Penal Code which under the second schedule of the Indian Code of Criminal Procedure is triable by a magistrate of the second or third class, the Political Agent may, if both the complainant and the defendant are Mohammedans and are acquiescent in such procedure, order the case to be tried by a Qazi, a representative from the Court of the Political Agent attending to record briefly the proceedings. In such cases the judgment passed by the Qazi shall not be carried into effect until it is ratified by the Court of the Political Agent, and the Political Agent shall have power to revise the finding and sentence as if the Qazi were a subordinate Magistrate, or to return the case for retrial to the same or another Qazi. The sentence of the Qazi, when ratified by the Court of the Political Agent, shall for all purposes be regarded as if it were the decision of the Court of the Political Agent.

(2) Any jurisdiction exercisable by the Chief Court in criminal matters under this Order may be exercised by that Court either within the limits of this Order or elsewhere within the limits of the Bahrein, Kuwait, Qatar and Muscat Orders.

18. In cases in which the Code of Criminal Procedure requires the sentence of a Court of Session to be confirmed by the High Court, the sentence shall be referred for confirmation to the Secretary of State instead of to the Chief Court.

19.—(1) Where a person subject to the Order is accused of the commission of an offence cognisable by the Court of the Political Agent, the Chief Court may, where it appears so expedient, by warrant under the hand and seal of the Political Resident, cause the accused to be sent for trial by a Court of the Political Agent established by Order in Council in Bahrein, Kuwait, Qatar, Muscat or Oman.

(2) The warrant shall be sufficient authority to any person to whom it is directed to receive and retain the person therein named and to carry him to and deliver him up at Bahrein, Kuwait, Qatar, Muscat or Oman according to the warrant.

(3) Where any person is to be sent to Bahrein, Kuwait, Qatar, Muscat or Oman, the Court before which he is charged shall take the preliminary examination, and shall bind over such of the proper witnesses as are British subjects in their own recognisances to appear and give evidence at the trial.

(4) Where a person subject to the Bahrein, Kuwait, Qatar, or Muscat Orders is accused of an offence within the limits of the aforesaid orders and has by warrant under seal of the Political Resident been sent for trial in the Trucial States the Court shall have power to try the case as if the alleged offence had been committed within the limits of this Order by a person subject to this Order.



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20.—(1) The Political Resident may from time to time, subject to the directions of the Secretary of State, by general order under his hand and seal, prescribe the manner in which, and the places within the limits of this Order or the Bahrein, Kuwait, Qatar, and Muscat Orders, at which, sentences passed by the Court are to be carried into execution in the Trucial States, and may appoint any building or place specified in the order to be a prison for the purposes of this Order, and such persons as he thinks fit to be gaolers, keepers or officers of any such prison.

(2) If at the place at which any Court is held there is no place or building appointed as a prison in accordance with the preceding paragraph of this Article, it shall be lawful for any Court, by order or warrant under the seal of the Court, temporarily and for the purposes of any particular case or cases to appoint any place or building specified in the order to be a prison for the purposes of this Order, and such persons as the Court thinks fit to be keepers in such prison.

(3) A warrant under the seal of the Court shall be sufficient authority to the person or persons to whom it is directed to deliver and detain the person named therein according to the warrant at any prison appointed in accordance with the preceding paragraphs of this Article.

(4) A warrant under the seal of any other court acting under the Bahrein, Kuwait, Qatar or Muscat Orders shall be sufficient authority within the limits of this Order to the person or persons to whom it is directed to deliver and detain the person named therein according to the warrant at any prison appointed in accordance with the preceding paragraphs of this Article.

21.—(1) Without prejudice to the provisions of Article 22 of this Order, the Political Resident or the Political Agent acting under the authority of the Political Resident may, by warrant under his hand and seal, order any person convicted by the Court and sentenced to imprisonment to be sent to and detained at any prison within the limits of this Order or the Bahrein, Kuwait, Qatar or Muscat Orders specified therein. Such prison may be a place appointed in accordance with the provisions of paragraph (1) of Article 20, or a place appointed temporarily and for the purpose of the particular case.

(2) The warrant of the Political Resident or the Political Agent acting under the authority of the Political Resident shall be sufficient authority to any person to whom it is directed to carry and deliver up the person therein named and to receive and detain him at the prison named according to the warrant.

(3) In any case where a person sentenced to imprisonment for a term exceeding one month is detained in a prison temporarily appointed in accordance with the provisions of paragraph (2) of Article 20, the Court by which the sentence was awarded shall report the case and the circumstances thereof to the Political Resident for his directions.

(4) Without prejudice to the provisions of Article 22, the Political Resident upon the receipt of such report may make an order under paragraph (1) of this Article, or may direct that the sentence shall continue to be served at the place where the prisoner is at present detained.

22.—(1) Where an offender convicted before any Court under this Order is sentenced to imprisonment, and the Political Resident proceeding under section 7 of the Foreign Jurisdiction Act, 1890, authority in that behalf being hereby given to him, considers it expedient that the sentence should be carried into effect elsewhere than within the limits of this Order, and the



offender is accordingly sent for imprisonment to a place outside the limits of this Order, the place shall be either a place in some part of His Majesty's dominions the Government whereof consents that offenders may be sent thither under this Article, or a place in which by treaty, grant, usage, sufferance, or other lawful means His Majesty has jurisdiction.

(2) A warrant under the hand and seal of the Political Resident shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named and to carry him to and deliver him up at the place named according to the warrant.

23.—(1) In cases of murder or culpable homicide, if either the death or the criminal act which wholly or partly caused the death happened in the Trucial States, a Court acting under this Order shall have the like jurisdiction over any person to whom this Order applies who is charged either as a principal offender or as an abettor as if both such criminal act and the death had happened in the Trucial States.

(2) In the case of any offence committed on the high seas or within the Admiralty jurisdiction by any person who at the time of committing such offence was on board a British ship, or by any British subject on board a foreign ship to which he did not belong, the Court shall, subject to the provisions of this Order, have jurisdiction over such person as if the offence had been committed within its jurisdiction.

(3) In cases tried under this Article no different sentence can be passed from that which could have been passed in India if the crime had been tried there on 14th August, 1947.

(4) The foregoing provisions of this Article shall be deemed as well as the provisions of Article 12 (2) above to be adaptations, for the purposes of this Order and of the Foreign Jurisdiction Act, 1890, of the following enactments, namely:—

The Admiralty Offences (Colonial) Act, 1849 ;

The Admiralty Offences (Colonial) Act, 1860 ;

The Merchant Shipping Act, 1894, Part XIII ;

and those enactments shall apply accordingly, and be administered in the Trucial States.

24. Where a person is convicted of an offence the Court before which he is convicted may, if it thinks fit at any time before he is discharged, require him to give security to the satisfaction of the Court for his future good behaviour, and for the purpose may, if it thinks fit, cause him to come or be brought before the Court.

25.—(1) Where it is shown by evidence on oath, to the satisfaction of the Court, that any person to whom this Order applies has committed, or is about to commit, an offence against this Order, or is otherwise conducting himself so as to be dangerous to peace and good order, or is endeavouring to excite enmity between the people of the Trucial States and His Majesty, or is intriguing within the limits of this Order against His Majesty's power and authority, the Court may, if it thinks fit, by order under its seal, prohibit that person from being within the limits of this Order during any time therein specified, not exceeding two years, or alternatively may require him to give security for his future good behaviour.

(2) The Court, by order in writing under its seal, may vary any order of prohibition (not extending the duration thereof), and may revoke any order of prohibition or removal.



(3) The Court shall forthwith report the order and the grounds thereof to the Chief Court, which shall forthwith report to the Secretary of State every order made under this Article, and the grounds thereof, and the proceedings thereunder.

26.—(1) If any person to whom this Order applies fails to give security for good behaviour or for keeping the peace when lawfully required to do so, or fails during the continuance of the security to keep the peace or be of good behaviour, or fails to comply with an order of prohibition made under this Order, the Court may, if it thinks fit, order that he be deported from any place within its jurisdiction as prescribed by this Order.

(2) If the order of deportation is made by the Court, it shall forthwith report to the Chief Court the order and the grounds thereof.

(3) Thereupon the person ordered to be deported, unless the Chief Court thinks fit otherwise to direct, shall, as soon as practicable and in the case of a person convicted either after execution of the sentence or while it is in course of execution, be removed in custody under warrant to the place named in the warrant.

(4) The place named in the warrant shall be

(i) a place in that part of His Majesty's dominions or in that protectorate, protected state, mandated territory or trust territory to which the person belongs or in that state of which the person is a national or

(ii) a place in another territory or state the Government of which consents to the reception of persons deported under this Order.

(5) The Court, on making an order of deportation, may, if it thinks fit, order the person to be deported to pay all or any part of the expenses of his deportation, to be fixed by the Court in the order. Subject thereto, the expenses of deportation shall be defrayed as the Secretary of State, with the concurrence of the Treasury, may direct.

(6) The Chief Court shall forthwith report to the Secretary of State every order of deportation made under this Order, and the grounds thereof, and the proceedings thereunder.

(7) If a person deported under this Order returns to the Trucial States without permission in writing of the Chief Court or the Secretary of State (which permission the Chief Court or the Secretary of State respectively may give), he shall be punished with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees, or with both.

(8) He shall also be liable to be forthwith again deported under the original or a new order, and a fresh warrant.

27. An appeal shall not lie against an order of prohibition, of removal, or of deportation made under this Order.

28.—(1) Where under this Order a person is to be sent or removed or deported from any place within the jurisdiction of the Court as prescribed by this Order he shall, by warrant of the Court sealed with its seal, be detained, if necessary in custody or in prison, until a fit opportunity for his removal or deportation occurs, and then be put on board a vessel belonging to, or in the service of, His Majesty, or, if no such vessel is available, then on board some other British or other fit vessel.



(2) The warrant shall be sufficient authority to the person to whom it is directed or delivered for execution, and to the Commanding Officer or master of the vessel, to receive and detain the person therein named, in the manner therein prescribed, and to send or remove and carry him to the place therein named, according to the warrant.

(3) In case of sending or removal for any purpose other than deportation, the warrant shall be issued in duplicate, and the person executing it shall, as soon as practicable after his arrival at the place therein named, deliver according to the warrant, with one of the duplicates of the warrant, to a constable, or proper officer of police, or keeper of a prison, or other proper authority or person there, the person named in the warrant, to be produced on the order of the proper Court or authority there, or to be otherwise dealt with according to law.

29.—(1) If any person to whom this Order applies does any of the following things, namely:—

- (a) Wilfully by act or threat obstructs any Officer of, or person executing any process of, the Court in the performance of his duty; or
- (b) Within or close to the room or place where the Court is sitting wilfully misbehaves in a violent, threatening, or disrespectful manner to the disturbance of the Court, or to the intimidation of suitors or others resorting thereto; or
- (c) Wilfully insults any members of the Court, or any assessor, or any person acting as a Clerk or Officer of the Court during his sitting or attendance in Court, or in his going to or returning from Court; or
- (d) Does any act in relation to the Court or a Judge thereof, or a matter pending therein, which, if done in relation to a High Court in British India, would have been punishable as a contempt of such Court;

such person shall be liable to be apprehended by order of the Court with or without warrant, and, on inquiry and consideration, and after the hearing of any defence which such person may offer, without further process or trial, to be punished with a fine not exceeding 100 rupees, or with imprisonment not exceeding twenty-four hours.

A Minute shall be made and kept of every such case of punishment, recording the facts of the offence and the extent of the punishment.

Provided that, if the Court thinks fit, instead of proceeding under the preceding provisions, it may direct or cause the offender to be tried in a separate criminal prosecution or proceeding, in which the offender shall be liable to any punishment to which he would have been liable on 14th August, 1947, if the offence had been committed in relation to the Court of a Sessions Judge in India.

Nothing herein shall interfere with the power of the Court to remove or exclude persons who interrupt or obstruct the proceedings of the Court.

(2) The provisions of paragraph (1) of this Article shall also apply if any person subject to this Order does any of the acts enumerated in sub-paragraphs (b), (c) or (d) thereof in relation to the Joint Court to which a complaint has been referred under Article 53 or 54 (1), or in relation to a Qazi to whom a matter has been referred under Article 17 (1), 42 or 54 (v).

30. If any person to whom this Order applies smuggles or imports into or exports from the Trucial States any goods whereon any duty is charged by or payable to the Sheikh, with intent to evade payment of the duty, he shall be punished with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees or to a sum equal to treble the value of the goods (whichever shall be the greater), or with both imprisonment and fine.



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31. If any person to whom this Order applies smuggles or imports into or exports from the Trucial States any goods the importation or exportation whereof is lawfully prohibited he shall be punished with imprisonment for a term which may extend to one year, or with a fine which may extend to 2,000 rupees or to a sum equal to treble the value of the goods (whichever shall be the greater), or with both imprisonment and fine.

32. Any act which, if it had been done in British India on 14th August, 1947, would have been an offence against the law then in force in British India, relating to trade-marks, merchandise marks, copyright designs, or inventions, shall, if done in the Trucial States by a person to whom this Order applies, be an offence punishable with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees, or with both.

33.—(1) If any person to whom this Order applies:—

(i) Publicly derides, mocks or insults any religion, established or observed within the limits of this Order; or

(ii) Publicly offers insult to any religious service, feast, or ceremony established or kept in any place within those limits, or to any place of worship, tomb, or sanctuary belonging to any religion established or observed within those limits, or belonging to the ministers or professors thereof; or

(iii) Publicly and wilfully commits any act tending to bring any religion established or observed within those limits, or its ceremonies, modes of worship, or observances into hatred, ridicule, or contempt, and thereby to provoke a breach of the public peace;

he shall be guilty of an offence, and on conviction thereof liable to imprisonment, which may extend to two years, with or without a fine not exceeding 500 rupees, or to a fine alone not exceeding 500 rupees.

(2) The Political Agent shall take such precautionary measures as seem to him proper and expedient for the prevention of such offences.

34.—(1) If any person subject to this Order prints, publishes, or offers for sale any printed or written newspaper or other publication containing seditious matter, he shall be guilty of an offence and on conviction thereof liable to imprisonment, which may extend to two years, with or without a fine not exceeding 1,000 rupees or to a fine alone not exceeding 1,000 rupees, and may, in addition to, or in lieu of, any other sentence, be ordered to give security for good behaviour, or to be deported.

(2) Where any printed or written newspaper or other publication containing seditious matter is printed, published, or offered for sale within the limits of this Order by a Company incorporated under the laws of any part of His Majesty's dominions, protectorates or protected states or of any mandated territory or trust territory, the Court may, after notice to the Company, and on proof of the facts, require the Company to give security to abstain from such printing, publishing, or offering for sale in future. If the Company fail to give security, or if the Company is shown to have again printed, published, or offered for sale such newspaper, or other publication containing seditious matter after giving such security, the Court may make an order prohibiting the Company from carrying on business within the limits of the Order, and may make such other orders as to the Court may seem just. The Court may also declare all the property of the Company within the limits of the Order to be forfeited to His Majesty, and shall dispose of it, subject to any general or special directions of the Secretary of State, as it thinks fit.



(3) Matter calculated to excite tumult or disorder, or to excite enmity between persons subject to this Order and the Trucial Sheikhs or their subjects, or between different classes of person subject to this Order, or between the Trucial Sheikhs or their subjects, shall be deemed to be seditious matter within the meaning of this Article.

35.—(1) If a Clerk or Officer of the Court acting under pretence of the process or authority of the Court, is charged with extortion, or with not paying over money duly levied, or with other misconduct, the Court may, if it thinks fit, enquire into the charge in a summary way, and may for that purpose summon and enforce the attendance of all necessary persons as in a suit, and may make such order for the repayment of any money extorted, or for the payment over of any money levied, and for payment of such damages and costs as the Court thinks fit.

(2) The Court may also, if it thinks fit, on the same enquiry impose on the Clerk or Officer such fine, not exceeding 50 rupees for each offence, as the Court thinks fit.

(3) A Clerk or Officer punished under this Article shall not, without the leave of the Court, be liable to a civil suit in respect of the same matter; and any such suit, if already or afterwards begun, may be stayed by the Court in such manner and on such terms as the Court thinks fit.

(4) Nothing in this Article shall be deemed to prevent any person from being prosecuted under any other legal provision, which is applicable, for any act or omission punishable under this Article, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Article:

Provided that no person shall be punished twice for the same offence.

36. Any person being within the limits of this Order may be proceeded against, tried, and punished under this Order for piracy wherever committed.

37.—(1) The Foreign Jurisdiction Neutrality Order in Council, 1904(k), shall apply to all persons and to all property subject to this Order.

(2) Nothing in this Order shall affect the operation within the limits of the Order of the Foreign Jurisdiction (Military Forces) Order in Council, 1927(l).

38. Where a person entitled to appeal to the Chief Court from any judgment or order passed in the exercise of criminal jurisdiction under this Order desires so to appeal, he shall present his petition of appeal to the Court which passed the judgment or order; and the petition shall with all practicable speed be transmitted to the Chief Court with certified copies of the charge (if any) and proceedings, of all documentary evidence submitted or tendered, of the depositions, of the notes of the oral testimony, and of the judgment or order, and any argument on the petition of appeal that the appellant desires to submit to the Chief Court.

39. The Court against whose judgment or order the appeal is preferred may postpone the execution of the sentence pending the appeal, and shall, if necessary, commit the person convicted to prison for safe custody, or detain him in prison for safe custody, or shall admit him to bail, and may take security, by recognisance, deposit of money, or otherwise, for his payment of any fine.

(k) S.R. & O. 1904 (No. 1654) p. 174.

(l) S.R. & O. 1927 (No. 359) p. 478.



PART V.—CIVIL MATTERS

40.—(1) Subject to the other provisions of this Order, the Code of Civil Procedure and the other Indian enactments relating to the administration of civil justice and to insolvency and bankruptcy made applicable to all persons subject to this Order shall apply to, and have effect in, the Trucial States as if they were a district in the province of Bombay on 14th August, 1947. The powers both of the Central Government and the Provincial Government under those enactments shall be exercisable by the Secretary of State.

(2) Any jurisdiction exercisable by the Chief Court under this Order in civil matters may be exercised by that Court, either within the limits of this Order or elsewhere, within the limits of the Bahrein, Kuwait, Qatar or Muscat Orders:

41. When a suit between persons to whom this Order applies is filed in the Political Agency, the Political Agent shall enquire from the several parties whether they desire that proceedings shall be instituted in accordance with the Code of Civil Procedure and the Indian enactments made applicable to the Trucial States, or in accordance with local usage, and shall record their replies.

42. When any of the several parties desire that the suit shall be determined in accordance with the Code of Civil Procedure and other enactments made applicable to the Trucial States, the Court of the Political Agent shall forthwith proceed to decide the suit in accordance with the provisions of such enactments, as far as local conditions permit.

The Court of the Political Agent may however refer any matter in the progress of a suit which involves a point of Muhammadan law to a Qazi for a decision, or any party or witness, being a Muhammadan, to a Qazi for the administration of an oath; or may refer any matter in the progress of a suit between parties belonging to the same community which, in the discretion of the Court, is a fit and proper subject for the decision of the local leaders of that community, to a punch or jama'at of the leaders of such community; or, in commercial cases, may refer any matter in the progress of a suit which, in the discretion of the Court, is a fit and proper subject for the decision of the principal local merchants to a majlis or jama'at of such merchants.

43.—(1) The Foreign Jurisdiction (Admiralty) Order in Council 1910(m), shall apply to the Trucial States, and the Chief Court shall have the jurisdiction conferred by Article 4 of that Order, and the Court of the Political Agent shall be deemed to be a Provincial Court, and the Registry thereof a District Registry within the meaning of the said Order.

(2) Admiralty actions commenced in the said Registry shall be tried in the Court of the Political Agent unless the Chief Court is at the time sitting within the limits of this Order, or unless all parties agree that the action shall be tried in the Chief Court sitting elsewhere than within the limits of this Order.

(3) The duties of the Registrar and of the Marshal, either of the Chief Court or of the Court of the Political Agent, under the said Order shall be performed by such Officers as the Political Resident shall direct.

44.—(1) The Court of the Political Agent shall endeavour to obtain, as early as may be, notice of the deaths of all persons subject to this Order leaving property in any place within the jurisdiction of the Court as prescribed by this Order, and all such information as may serve to guide the Court with respect to the securing and administration of their property.

(m) S.R. & O. 1910 (No. 1183) p. 131.



(2) On receiving notice of the death of such a person the Court shall put up a notice thereof at the Court-house, and shall keep the same there until probate or administration is granted, or, where it appears to the Court that probate or administration will not be applied for or cannot be granted, for such time as it thinks fit.

(3) The Court shall, where the circumstances of the case appear so to require, as soon as may be, take possession of the property left by the deceased in any place within the jurisdiction of the Court as prescribed by this Order, or put it under its seal (in either case, if the nature of the property or other circumstances so require, making an inventory) and so keep it until it can be dealt with according to law, perishable articles being disposed of as the Court may consider best in the interests of the estate.

(4) All expenses incurred on behalf of the Court in so doing shall be the first charge on the property of the deceased, and the Court shall, by sale of part of that property, or otherwise, provide for the discharge of these expenses.

(5) When a person subject to this Order dies in the Trucial States or elsewhere intestate, then, until administration is granted, his property in the Trucial States shall be vested in the Political Agent.

45. If a person to whom this Order applies, who is named executor in a will, and to the establishment of whose title as such it is necessary to obtain probate of that will, takes possession of and administers, or otherwise deals with, any part of the property of the deceased, and does not obtain probate within one month after the death, or after the termination of any proceeding respecting probate or administration, he shall be liable to pay double the amount of any fees chargeable on obtaining probate, and he shall also be liable to a fine which may extend to 1,000 rupees.

46. If any person to whom this Order applies, other than the person named executor, or the administrator, or a person entitled to represent the deceased without obtaining probate or letters of administration, or an Officer of the Court, takes possession of and administers or otherwise deals with, any part of the property of the deceased, he shall, as soon as practicable, notify the fact and the circumstances to the Court of the Political Agent, and shall furnish to the Court all such information as the Court requires, and shall conform to any direction of the Court in relation to the custody, disposal, or transmission of the property or the proceeds thereof, and, in case of any contravention of this Article, he shall be punished with a fine, which may extend to 1,000 rupees.

47. Where a person to whom this Order applies is named executor in a will and survives the testator, but either dies without having obtained probate or, having been called on by the Court to apply for probate, does not appear, his right in respect of the executorship wholly ceases: and, without further renunciation, the representation of the testator and the administration of his property shall go and may be committed as if that person had not been appointed executor.

48. Where it appears to the Court that the value of the property or estate of a deceased person subject to this Order does not exceed 1,500 rupees the Court may, without any probate, letters of administration or other formal proceeding, pay thereout any debts or charges and pay, remit or deliver any surplus to such persons and in such manner as the Court thinks proper, and no member or Officer of the Court shall be liable to any action, suit, or proceedings in respect of anything done under this Article.



49. The Foreign Jurisdiction (Probates) Order in Council, 1935(n), shall apply to all persons and to all property subject to this Order.

50.—(1) When the circumstances of the case appear to the Court of the Political Agent so to require, for reasons recorded in its proceedings, the Court may, if it thinks fit, of its own motion or otherwise, grant letters of administration to an Officer of the Court.

(2) The Officer so appointed shall act under the direction of the Court, and shall be indemnified thereby.

(3) He shall publish such notices, if any, as the Court thinks fit, in the Trucial States, the United Kingdom, and elsewhere.

(4) The Court shall require and compel him to file in the proper Office of the Court his accounts of his administration at intervals not exceeding three months, and shall forthwith examine them and report thereon to the Chief Court.

(5) The accounts shall be audited under the direction of the Court of the Political Agent.

(6) All expenses incurred on behalf of the Court in execution of this Article shall be the first charge on the estate of the deceased as dealt with in accordance with the provisions of this Order; and the Court shall, by the sale of that estate or otherwise, provide for the discharge of those expenses.

51. In cases where parties are Muhammadans the Court of the Political Agent may refer any question concerning probate of wills or administration of property of deceased persons to whom this Order applies to a Qazi for settlement under the general supervision of the Court.

52.—(1) If an Officer of the Court, employed to execute a decree or order, loses, by neglect or omission, the opportunity of executing it, then, on complaint of the person aggrieved and proof of the fact alleged, the Court may, if it thinks fit, order the Officer to pay the damages sustained by the person complaining, or part thereof.

(2) The order may be enforced as an order directing payment of money.

PART VI.—MIXED CASES: TRUCIAL STATES SUBJECTS AND PERSONS
SUBJECT TO THIS ORDER

(a) *Criminal*

53. When a Trucial States subject desires to institute a complaint against a person to whom this Order applies, or a person to whom this Order applies desires to institute a complaint against a Trucial States subject, the Political Agent shall entertain the same and send it to the Joint Court.

(b) *Civil*

54.—(1) When a Trucial States subject desires to bring a suit against a person to whom this Order applies, or a person to whom this Order applies desires to bring a suit against a Trucial States subject, the Political Agent shall admit the complaint and refer it to a Joint Court.

(2) Nothing herein mentioned shall prevent the Joint Court from referring any matter in the progress of a suit which involves a point of Muhammadan law to a Qazi for decision, or from sending any party or witness, being a Muhammadan, to a Qazi for the administration of an oath.

(n) S.R. & O. 1935 (No. 896) p. 522.



55.—(1) Where a person to whom this Order does not apply obtains, in a Court established under this Order, a decree or order against a defendant, being a person subject to this Order, and in another suit that defendant is plaintiff and the person to whom this Order does not apply is defendant the Court may, if it thinks fit, on the application of the person subject to this Order, stay the enforcement of the decree or order pending that other suit, and may set off any amount decreed or ordered to be paid by one party in one suit against any amount decreed or ordered to be paid by the other party in the other suit.

(2) Where a plaintiff, being a person to whom this Order does not apply, obtains a decree or order, in a Court established under this Order, against two or more defendants being persons subject to this Order jointly, and in another suit one of them is plaintiff and the person to whom this Order does not apply is defendant, the Court may, if it thinks fit, on the application of the persons subject to this Order, stay the enforcement of the decree or order pending that other suit, and may set off any amount decreed or ordered to be paid by one party in one suit against any amount decreed or ordered to be paid by the other party in the other suit, without prejudice to the right of the person subject to this Order to obtain contribution from his co-defendants under the joint liability.

(3) Where in a suit a person to whom this Order does not apply is co-plaintiff with a person subject to this Order, who is in the Trucial States, it shall not be necessary for the person to whom this Order does not apply to give security under this Article as regards fees and costs, unless the Court so directs, but the co-plaintiff person subject to this Order shall be responsible for all fees and costs.

56.—(1) Every agreement for reference to arbitration between a person to whom this Order applies on the one hand, and a person not subject to this Order on the other hand, may, on the application of any party, be filed for execution in the Office of the Court.

(2) The Court shall thereupon have authority to enforce the agreement and the award made thereunder and to control and regulate the proceedings before and after the award in such manner and on such terms as the Court may think fit, in concert with the Trucial Sheikh concerned or his representative.

(c) *General*

57.—(1) Where it is proved that the attendance of a person to whom this Order applies, to give evidence, or for any other purpose connected with the administration of justice, is required before a Trucial States Tribunal, a Court established under this Order may, if it thinks fit, in a case and in circumstances in which the Court would require the attendance of that person before the Court, order that he do attend as required. The order may be made subject to such conditions as the Court thinks fit.

(2) If the person so ordered to attend, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly, and does not excuse his failure to the satisfaction of the Court, he shall, independently of any other liability, be liable to be punished with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees, or with both.



58. When a person to whom this Order applies invokes or submits to the jurisdiction of a Trucial States Tribunal, and engages in writing to abide by the decision of that Tribunal, or to pay any fees or expenses ordered by that Tribunal to be paid by him, the Court may, on such evidence as it thinks fit to require, enforce payment of such fees and expenses in the same manner as if they were fees payable in a proceeding in the Court, and shall pay over and account for the same, when levied, to the proper Trucial States authority, as the Court may direct. The Court may also enforce compliance with any judgment given by such Tribunal against such person in the same manner as it may enforce compliance with a judgment given by the Court.

59.—(1) If a person to whom this Order applies wilfully gives false evidence in a proceeding before a Trucial States Tribunal, or in an arbitration between a person to whom this Order applies, on the one hand, and a person to whom this Order does not apply, on the other hand, he shall be guilty of an offence, and shall, on conviction, be liable to be punished with imprisonment for a term which may extend to two months or with a fine which may extend to 1,000 rupees, or with both.

(2) Nothing in this Article shall exempt a person from liability under any other law applicable within the limits of this Order to any other or higher punishment or penalty:

Provided that no person shall be punished twice for the same offence.

PART VII.—REGISTRATION

60. A register of persons subject to this Order (other than corporations) shall be kept in the Political Agency.

61. Every person subject to this Order (other than a corporation) resident within the limits of this Order shall, in the month of January of each year, be registered at the Political Agency. A person subject to this Order arriving within the limits of this Order shall apply for registration within one month after his arrival, provided that a person who fails to apply for or to obtain registration within the time limited by this Article may be registered at any time if he excuses his failure to the satisfaction of the Political Agent.

62. Where a person is in possession of a valid British or foreign passport, the Political Agent shall, on the first registration of any such person, endorse on the passport without further fee than that provided for in Article 65 a certificate of registration in such form as may be prescribed by the Secretary of State. Where any such person applies for the renewal of the registration and produces his passport, the renewal of the registration shall, without further fee than that provided for in Article 65, be endorsed thereon.

63. Every person, who has not previously been registered, applying to be registered under this Order shall, unless excused by the Political Agent, attend personally for that purpose at the Political Agency; but any person applying for the renewal of his registration need not attend personally unless directed by the Political Agent so to do, provided that the registration of the wife or wives of a man who is registered under this Order may, if she or they be living with him, be effected without their personal attendance being required, and provided also that the registration of minors, being his relatives in whatever degree, living with the head of a family who is registered under this Order, may be effected without their personal attendance being required.



64. A person registered in any register of British subjects established under the provisions of any Order in Council which have been repealed shall be registered under the provisions of this Order, unless the Political Agent is satisfied after enquiry that the previous registration was erroneous or that such person is not entitled to registration under the provisions of this Order.

65. Every person shall, on every registration of himself and on every renewal of registration, pay a fee of one rupee, or such other fee as the Secretary of State from time to time appoints. The amount of the fee so appointed may be uniform for all persons, or may vary according to the position and circumstances of different classes, if the Secretary of State from time to time so directs, but may not in any case exceed 3 rupees.

66. Where any person applies to be registered, he shall be entitled without a fee to the assistance of the Political Agent in the preparation of any affidavit that may be required.

67. The Political Agent may require the production of such evidence that an applicant for registration is entitled to the status of a British subject as he may see fit, but subject to such directions as may be issued by the Secretary of State.

68. If any British subject neglects to obtain registration under the provisions of this Order, he shall not be entitled to be recognised or protected as a British subject within the limits of this Order, and he and any other person subject to this Order who neglects to obtain registration shall be liable to a fine not exceeding 25 rupees for each instance of such failure; but he shall, although not registered, be subject to the jurisdiction of the Courts established by this Order.

69. A register of companies incorporated or registered in the United Kingdom or in any other part of His Majesty's dominions, protectorates or protected states or in any mandated territory or trust territory or in any other country outside the limits of this Order other than Bahrein, Kuwait or Qatar, and carrying on business in the Trucial States, shall be kept in the Political Agency, and every such company carrying on business in the Trucial States shall register there.

70. On the registration of a company at the Political Agency there shall be deposited and filed a copy of the certificate of incorporation of the company or other document corresponding thereto, a statement showing the nominal capital of the company and the amounts thereof which have been subscribed and paid up respectively, and, if the company has been incorporated under a law which provides for the periodical filing of a list of the share-holders, a copy of the last list so filed.

71. The Political Agent shall, on the registration of a company at the Political Agency, issue to the person making the registration a certificate, signed and sealed, that the company has been so registered.

72.—(1) Every company registered under this Order shall register the name and address of the manager or other chief local representative in the Trucial States, and shall from time to time, as may be necessary, register any alteration of the representative of the company or in his address.

(2) Rules of Court made under Article 77 may provide that service of writs, notices, or other documents upon the person registered under this Article, or at his address, shall be good service of such documents upon the company.



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73. Registration of a company under this Order shall not require to be renewed annually, but may be renewed from time to time as the parties may desire, and shall be renewed when any change takes place in the name of the company.

74. On every registration of a company under this Order, and on every renewal thereof, there shall be payable a fee of 10 rupees, and on every registration under Article 72 (1) there shall be payable a fee of 1 rupee.

75. Any company failing to make such registration or to deposit or file such documents as required by Articles 69, 70 and 72 of this Order and every Director, Manager, Secretary or other officer who is knowingly a party to such default shall be guilty of an offence under this Order, and on proof thereof shall be liable to a fine not exceeding 15 rupees a day for every day during which such offence continues, but not exceeding in all 500 rupees.

PART VII—MISCELLANEOUS PROVISIONS

76.—(a) Persons subject to this Order are prohibited from alienating to or acquiring from any person of whatever nationality any land or house property within the limits of this Order, either by gift, purchase, mortgage, or other form of conveyance, without due execution of signature before and registration by the Political Agent previous to the transfer of such property.

Any person subject to this Order charged with any breach of this paragraph shall be liable to, and on conviction punishable under this Order by, a fine not exceeding 500 rupees, or the total value of the property purporting to be so transferred (whichever is greater), or imprisonment up to one calendar month, or both.

(b) Any such deed, or instrument of gift, purchase, mortgage, or other form of conveyance, purporting to transfer property otherwise than in accordance with the provision of (a) above may, on that ground alone, be declared void and of no effect by any Court acting under this Order.

77. The Political Resident may, from time to time, make rules of procedure and other rules, consistent with this Order, for the better execution of the provisions herein contained in respect of any matter arising in the course of any civil or criminal case, including insolvency and bankruptcy proceedings. These rules shall be approved by the Secretary of State before they enter into force.

78.—(1) The Political Resident may, from time to time, make rules imposing fees leviable in respect of any proceedings in, or processes issued out of, any Court established under this Order. These rules shall be approved by the Secretary of State, with the concurrence of the Treasury, before they enter into force.

(2) But a Court before which any matter is pending may, in any case, if it thinks fit, on account of the poverty of a party, or for any other reason, dispense in whole or in part with the payment of any fees chargeable in respect of such matter.

79.—(1) All fees, charges, expenses, costs, fines, damages, and other money payable under this Order or under any law made applicable by this Order, may be enforced under order of the Court by seizure and sale of goods, and in default of sufficient goods, by imprisonment as a civil prisoner for a term not exceeding one month, but such imprisonment shall not operate as a satisfaction or extinguishment of the liability.



(2) Any bill of sale or mortgage or transfer of property made with a view to avoiding such seizure or sale shall not be effectual to defeat the provisions of this Order.

(3) All fees, penalties, fines and forfeitures levied under this Order, and fees, other than actual Court fees, that may be levied under the provisions of this Order shall be paid to the public account, and shall be applied in such manner as the Secretary of State, with the consent of the Treasury, may direct.

80. Whenever an acting Political Agent or Assistant Judge has commenced the hearing of any cause or matter, civil or criminal, he may, unless the Political Resident otherwise directs, continue and complete the hearing and determination thereof, notwithstanding that his authority to act as Political Agent or Assistant Judge has otherwise ceased by reason of the expiration of the time for which he was appointed to act or by reason of the happening of any event by which his authority is determined.

81. The Political Resident or the Political Agent may exercise any power conferred on any Justices of the Peace within His Majesty's dominions by any Act of Parliament, for the time being in force, regulating merchant seamen or the mercantile marine.

82. Where under the Merchant Shipping Act, 1894, anything is authorised to be done by, to, or before a consular officer, such thing may be done in any place in the Trucial States by, to, or before the Political Resident or the Political Agent.

83. The Political Resident and the Political Agent shall each be entitled in the Trucial States to act as a Notary Public.

84. The Court shall have jurisdiction from time to time to make an order requiring a person to whom this Order applies to contribute in such manner as the Court directs to the support of his wife, or to the support of his or her child, whether legitimate or not, being in the opinion of the Court under the age of 16 years. Any such order may be made in a summary way as if the neglect to provide for the support of such wife or child were an offence, and any failure to comply with any such order shall be deemed to be an offence, and shall be punishable with a fine not exceeding 10 rupees for any one default, and the Court may direct any penalty imposed for such offence to be applied for the support of such wife or child in such manner as the Court thinks fit.

85. The Political Resident shall have power to make Regulations (to be called King's Regulations) for the following purposes (that is to say):—

- (a) For the peace, order, and good government of persons to whom this Order applies in relation to matters not provided for by this Order.
- (b) For securing the observance of any Treaty or arrangement for the time being in force, relating to any place within the limits of this Order, or of any native or local law or custom, whether relating to trade, commerce, revenue, or any other matter.
- (c) For applying, amending, modifying or repealing with respect to the Trucial States any Acts or enactments which apply, or are made applicable, or have been brought into operation in the Trucial States, by or under any of the provisions of Articles 11 or 12 of this Order.
- (d) For regulating or preventing the importation or exportation of arms or munitions of war, or any parts or ingredients thereof, and for giving effect to any Treaty relating to the importation or exportation of the same.



(e) For requiring returns to be made of the nature, quantity and value of articles exported from or imported into the Trucial States, by or on account of any person to whom this Order applies, or in any British ship, and for prescribing the times and manner at or in which and the persons by whom, such returns are to be made.

(f) For the governance, visitation, care, and superintendence of prisons.

(g) For the recovery of lighting and other dues for shipping.

86.—(1) Any Regulations made under the preceding Article may provide for forfeiture of any goods, receptacles, or things in relation to which, or to the contents of which, any breach is committed of such Regulations, or of any Treaty or any native or local law or custom the observance of which is provided for by such Regulations.

(2) Any person to whom this Order applies committing a breach of any such Regulations shall, in addition to any forfeiture prescribed thereby, be liable, on conviction, to imprisonment for a period not exceeding two years or to a fine or to both.

(3) Any fine imposed for a breach of Regulation shall not exceed 1,500 rupees: provided that in the case of any breach of any native or local law relating to customs law, or under which the importation or exportation of any goods is prohibited or restricted, the fine may extend to a sum equivalent to treble the value of the goods in relation to which the breach is committed.

87.—(1) King's Regulations shall not take effect until they are allowed by the Secretary of State; provided that in case of urgency declared in any such Regulations the same shall take effect before such allowance, and shall continue to have effect unless and until they are disallowed by the Secretary of State, and until notification of such disallowance is received and published by the Political Resident, and such disallowance shall be without prejudice to anything done or suffered under such Regulations in the meantime.

(2) All King's Regulations shall be published by the Political Resident in such manner and at such places as he may think proper.

(3) In this Order "breach of the Regulations" includes the breach of any native or local law or custom, the observance of which is required by any King's Regulations.

88. Judicial notice shall be taken of this Order and of the commencement thereof, and of the appointment of the Political Resident, Political Agent, the Assistant Judge, and of the constitution and limits of the Courts and districts and of the seals and signatures, and of any rules and regulations made or in force under this Order, and no proof shall be required of any of such matters.

89. Nothing in this Order shall deprive the Political Resident, or an officer subordinate to him, of the right to observe, and to enforce the observance of, or shall deprive any person of the benefit of, any reasonable custom existing in the Trucial States, unless this Order contains some express and specific provision incompatible with the observance thereof.

90. Nothing in this Order shall—

(i) Affect any jurisdiction for the time being exercisable by the Political Resident under any Act of Parliament of the United Kingdom other than the Foreign Jurisdiction Act, 1890; or

(ii) Prevent the Political Agent from doing anything which His Majesty's Consuls in the dominions of any State in amity with His Majesty are for the time being by law, usage or sufferance entitled or enabled to do.



91. Not later than the 31st day of March in each year, or such other day as the Secretary of State directs from time to time, the Political Resident shall send to the Secretary of State a report on the operation of this Order up to the 31st day of December in the previous year, or such other date as the Secretary of State directs from time to time, showing for the preceding twelve months the number and nature of the proceedings, criminal and civil, taken under this Order, and the result thereof, and the number and amount of fees received, and such other information, and being in such form as the Secretary of State from time to time directs.

92.—(1) As from the commencement of this Order the Trucial States Order in Council 1946 shall be repealed; but this repeal shall not—

- (a) Affect the past operation of that Order or any appointment made, or any right, title, obligation, or liability accrued, or the validity or invalidity of anything done or suffered under that Order, before the making of this Order;
- (b) Interfere with the institution or prosecution of any proceeding or action, criminal or civil, in respect of any offence committed against or forfeiture incurred or liability accrued under or in consequence of any provision of that Order or any regulation confirmed by any such Order or made thereunder;
- (c) Take away or abridge any protection or benefit given or to be enjoyed in relation thereto.

(2) Notwithstanding the repeal of the Order aforesaid, all rules and regulations approved or confirmed by or under such Order so repealed shall continue and be as if this Order had not been made; but so that the same may be revoked, altered, or otherwise dealt with under this Order, as if they had been made under this Order.

(3) Criminal or civil proceedings begun under the Order repealed by this Order, and pending at the time when this Order comes into operation, shall, from and after that time, be regulated by the provisions of this Order, as far as the nature and circumstances of each case admit.

93.—(1) A printed copy of this Order, and of all Rules of Procedure and other Rules for the time being in force under this Order, shall be kept open to inspection free of charge in the office of the Political Agent and of each Court established under this Order.

(2) Printed copies thereof shall be sold in the Trucial States at such reasonable price as the Political Agent from time to time directs.

94. This Order shall be laid before Parliament and shall come into force on 12th April, 1949.

The Right Honourable Ernest Bevin, His Majesty's Principal Secretary of State for Foreign Affairs is to give the necessary directions herein.

E. C. E. Leadbitter.



SCHEDULE

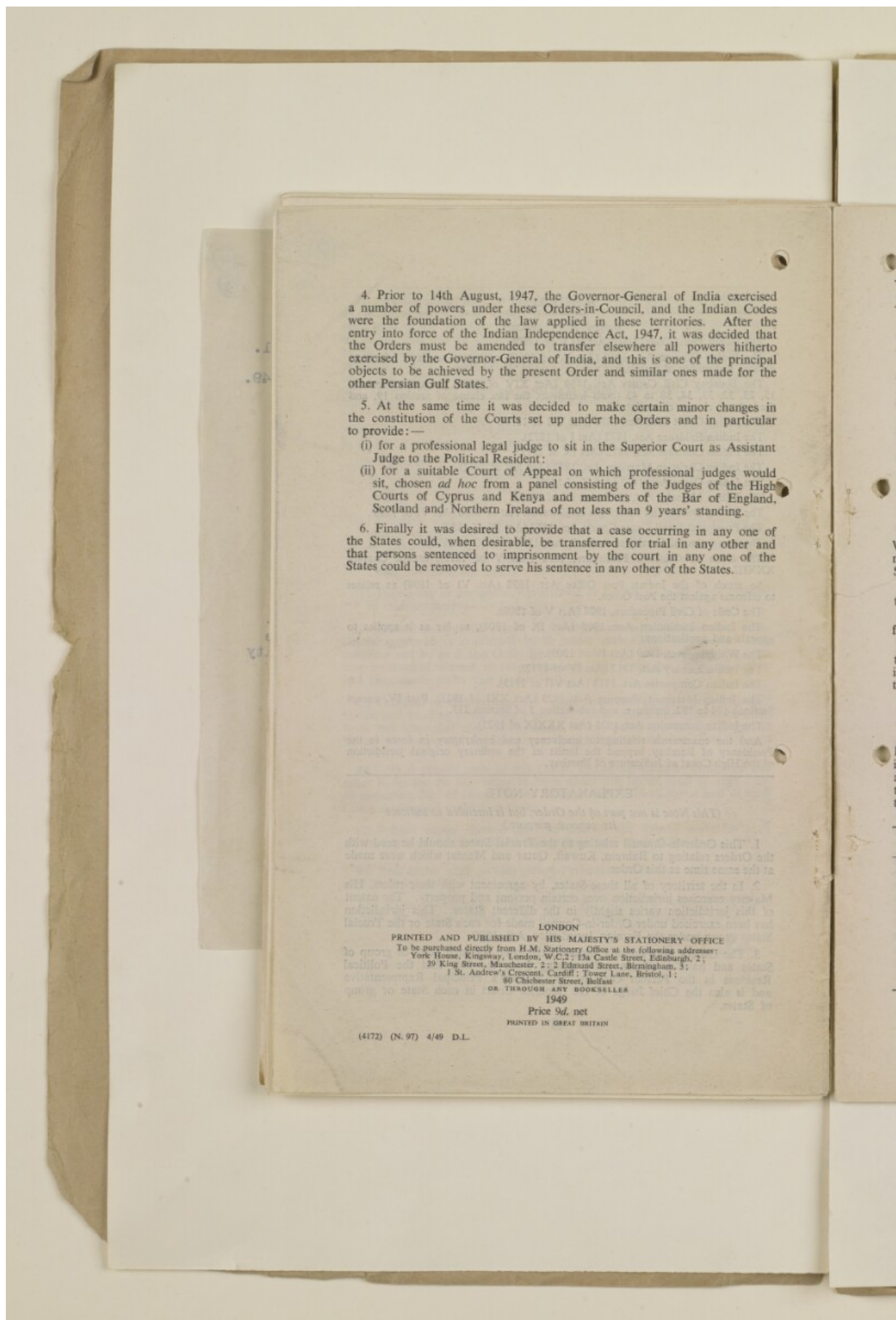
INDIAN ACTS APPLIED

The Indian Penal Code, 1860 (Act XLV of 1860).
The Indian Divorce Act, 1869 (Act IV of 1869), except so much as relates to divorce and nullity of marriage.
The Bombay Civil Courts Act, 1869 (Act XIV of 1869), except sections 6, 15, 23, 32, 33, 34, 38 to 43 (both inclusive), the last clause of section 19, and the last two clauses of section 22.
The Indian Court Fees Act, 1870 (Act VII of 1870).
The Indian Evidence Act, 1872 (Act I of 1872).
The Indian Contract Act, 1872 (Act IX of 1872).
The Indian Christian Marriage Act, 1872 (Act XV of 1872).
The Indian Oaths Act, 1873 (Act X of 1873).
The Indian Majority Act, 1875 (Act IX of 1875).
The Births, Deaths and Marriages Registration Act of 1886 (Act VI of 1886).
The Provincial Small Cause Courts Act, 1887 (Act IX of 1887).
The Prevention of Cruelty to Animals Act, 1890 (Act XI of 1890).
The Code of Criminal Procedure, 1898 (Act V of 1898), except Chapter XXXIII.
So much of the Indian Post Office Act, 1898 (Act VI of 1898) as relates to offences against the Post Office.
The Code of Civil Procedure, 1908 (Act V of 1908).
The Indian Limitation Act, 1908 (Act IX of 1908), so far as it applies to appeals and applications.
The Whipping Act, 1909 (Act IV of 1909).
The Indian Lunacy Act, 1912 (Act IV of 1912).
The Indian Companies Act, 1913 (Act VII of 1913).
The Indian Merchant Shipping Act, 1923 (Act XXI of 1923), Part IV, except Sections 174 to 192, inclusive, and sub-section 3 of Section 213.
The Indian Succession Act, 1925 (Act XXXIX of 1925).
And the enactments relating to insolvency and bankruptcy in force in the Presidency of Bombay beyond the limits of the ordinary original jurisdiction of the High Court of Judicature of Bombay.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

1. This Order-in-Council relating to the Trucial States should be read with the Orders relating to Bahrein, Kuwait, Qatar and Muscat which were made at the same time as this Order.
2. In the territory of all these States, by agreement with their rulers, His Majesty exercises jurisdiction over certain persons and property. The extent of this jurisdiction varies slightly in the different States. This jurisdiction has been exercised under Order-in-Council made for each State or the Trucial States group under the Foreign Jurisdiction Act, 1890.
3. The Orders were *mutatis mutandis* the same for each State or group of States and have a certain unity arising from the fact that the Political Resident in the Persian Gulf is His Majesty's Principal Representative and is also the Chief Judge of the Superior Court in each State or group of States.



4. Prior to 14th August, 1947, the Governor-General of India exercised a number of powers under these Orders-in-Council, and the Indian Codes were the foundation of the law applied in these territories. After the entry into force of the Indian Independence Act, 1947, it was decided that the Orders must be amended to transfer elsewhere all powers hitherto exercised by the Governor-General of India, and this is one of the principal objects to be achieved by the present Order and similar ones made for the other Persian Gulf States.

5. At the same time it was decided to make certain minor changes in the constitution of the Courts set up under the Orders and in particular to provide:—

(i) for a professional legal judge to sit in the Superior Court as Assistant Judge to the Political Resident:

(ii) for a suitable Court of Appeal on which professional judges would sit, chosen *ad hoc* from a panel consisting of the Judges of the High Courts of Cyprus and Kenya and members of the Bar of England, Scotland and Northern Ireland of not less than 9 years' standing.

6. Finally it was desired to provide that a case occurring in any one of the States could, when desirable, be transferred for trial in any other and that persons sentenced to imprisonment by the court in any one of the States could be removed to serve his sentence in any other of the States.

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STATUTORY INSTRUMENTS

1949 No. 595

FOREIGN JURISDICTION

QATAR

The Qatar Order in Council, 1949

Made - - - - - 29th March, 1949
Laid before Parliament 30th March, 1949
Coming into Operation 12th April, 1949

At the Court at Buckingham Palace, the 29th day of March, 1949

Present

The King's Most Excellent Majesty in Council

Whereas by Treaty, capitulation, grant, usage, sufferance, and other lawful means His Majesty the King has jurisdiction within the territories of the Sheikh of Qatar;

And Whereas provision was made for the exercise of such jurisdiction by the Qatar Order in Council 1939(a);

And Whereas it is expedient to repeal the said Order in Council and make further provision for the exercise of the said jurisdiction;

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1890 and 1913(b), or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

PART I.—PRELIMINARY AND GENERAL

1. This Order may be cited as the Qatar Order in Council, 1949.

2. The limits of this Order are Qatar and the coast and islands of the Persian Gulf, being within the territories of the ruling Sheikh of Qatar, including the territorial waters of Qatar adjacent to the said coast and islands, and all other territories, islands, and islets which may be included in the territories and be the possessions of the ruling Sheikh of Qatar, together with their territorial waters.

3. This Order is divided into parts as follows:—

Parts.	Subject.	Articles.
I.	Preliminary and General	1-10
II.	Law to be applied	11-15
III.	Courts	16
IV.	Criminal Matters	17-39
V.	Civil Matters	40-52
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VII.	Registration	60-75
VIII.	Miscellaneous Provisions Schedule.	76-94

(a) S.R. & O. 1939 (No. 518) II, p. 1663.

(b) 53 & 54 Vict. c. 37 and 3 & 4 Geo. 5, c. 16.



4. In the construction of this Order and of any Rules, Regulations or Orders made thereunder the following words and expressions have the meaning hereby assigned to them, unless there be something in the subject or context repugnant thereto, that is to say:—

"Administration" means letters of administration, including the same with will annexed, or granted for special or limited purposes, or limited in duration.

"British aircraft" means an aircraft registered in any part of His Majesty's dominions, protectorates or protected states, other than Kuwait, Bahrein, Qatar and the Trucial States or in any mandated territory or trust territory.

"British protected person" means a person other than a corporation properly enjoying His Majesty's protection in Qatar but does not include—

(i) a person who has the status of a British subject under the British Nationality Act, 1948;

(ii) a subject of the Sheikhs of Bahrein, Kuwait and the Trucial States ; or

(iii) foreigners subject to this Order under Article 8 (1) (a) (ii) thereof.

"British ship" means a merchant ship, being a British ship within the meaning of the Merchant Shipping Act, 1894(c), and, except where the context otherwise requires, includes a ship belonging to any British subject as herein defined.

"British subject" means and includes—

(1) any person who has the status of a British subject under the British Nationality Act, 1948;

(2) British protected persons;

(3) any corporation incorporated under the law of any part of His Majesty's dominions, protectorates or protected states or of any mandated territory or trust territory.

"Court of the Political Agent" means the Court established by Article 16.

"Chief Court" means the Court established by Article 16.

"Full Court" means the Court established by Article 16.

"The Court" means the Court of the Political Agent or the Chief Court or the Full Court.

"Foreigner" means any person (including a corporation) not a British or Qatar subject.

"Imprisonment" means imprisonment of either description as defined in the Indian Penal Code.

"Joint Court" means a court composed of the Political Agent and the Sheikh of Qatar or their representatives.

"Mandated territory" means a territory administered by the government of any part of His Majesty's dominions in accordance with a mandate from the League of Nations.

"Month" means calendar month.

"Oath" or "Affidavit" includes affirmation or declaration.

"Offence" means any act or omission made punishable by any law for the time being in force.

"Person" includes corporation.

(c) 57 & 58 Vict. c. 60.



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"Political Agent" means His Majesty's Agent at Bahrein, appointed by the Secretary of State including a person acting temporarily with the approval of the Secretary of State for such Political Agent or his representative or any Political Agent who may subsequently be appointed to reside in Qatar.

"Political Agency" means the Office, Residence, Court or other appointed place of business of the Political Agent.

"Political Resident" means His Majesty's Political Resident in the Persian Gulf, including a person acting temporarily with the approval of the Secretary of State for such Political Resident.

"Qatar" includes all places and waters within the limits of this Order.

"Qatar subject" means a subject of the Sheikh of Qatar or any Moslem person not being a British subject.

"Qazi" means any official Qazi appointed by the Sheikh of Qatar and accepted by the Political Agent.

"Rules of Court" means rules of Court made under the provisions of this Order.

"Secretary of State" means one of His Majesty's Principal Secretaries of State.

"Sheikh of Qatar" hereinafter called "the Sheikh" means the ruling Sheikh of Qatar, or his duly accredited representation for the time being.

"Ship" includes any vessel used in navigation, however propelled, with her tackle, furniture, and apparel, and any boat or other craft.

"Treaty" includes any capitulations, convention, agreement or arrangement made by or on behalf of His Majesty with any State or Government, King, Chief, people, or tribe, or to the benefits of which His Majesty has succeeded, whether the Sheikh is or is not a party thereto.

"Trust territory" means a territory administered by the government of any part of His Majesty's dominions under the trusteeship system of the United Nations.

"Will" means will, codicil, or other testamentary instrument.

The expressions "person to whom this Order applies" and "person subject to this Order" mean the persons referred to in sub-paragraphs (a) (i) and (ii) of paragraph (1) of Article 8.

Expressions used in any enactments applied to Qatar shall, unless a contrary intention appears, have the same respective meanings as in this Order.

5.—(1) In this Order words importing the plural or the singular may be construed as referring to one person or thing or to more than one person or thing, and words importing the masculine as referring to the feminine, as the case may require.

(2) Where this Order confers any power or imposes any duty, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(3) Where this Order confers a power, or imposes a duty on, or with respect to, a holder of an office as such, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed by, or with respect to, the holder for the time being of the office or the person temporarily acting for the holder.

(4) Where this Order confers a power to make any rules, regulations, or orders, the power shall, unless a contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, vary or amend the rules, regulations or orders.



(5) This Article shall apply to the construction of any regulations, rules, or orders made under this Order, unless a contrary intention appears.

6. Where this Order refers to any specified Act or Acts of Parliament, such reference shall, unless a contrary intention appears, be deemed to include any Act or Acts amending or substituted for the same. In the case of references to enactments of the Indian Legislature, the reference shall be to enactments in force on 14th August, 1947.

7. In the event of there being no Political Agent (including any person acting temporarily on his behalf under Article 5 (3)), available, all and every the powers, authorities, and immunities by this Order granted to him shall, until His Majesty's further pleasure is signified through the Secretary of State, be vested in the Political Resident.

8.—(1) The powers conferred by this Order shall extend to the persons and matters following, in so far as by treaty, grant, usage, sufferance, or other lawful means, His Majesty has jurisdiction in relation to such persons, matters, and things, that is to say:—

(a) (i) British subjects within the limits of this Order;

(ii) Foreigners within the limits of this Order.

(b) The property and all personal or proprietary rights and liabilities within the said limits of all British subjects and foreigners whether such persons are themselves within or without the limits of the Order.

(c) British ships and ships belonging to foreigners with their boats, and the persons and property on board thereof, or belonging thereto, being within the limits of this Order; provided that jurisdiction over foreign ships shall not be exercised otherwise than according to the practice followed in the exercise of such jurisdiction by the High Court of Judicature at Bombay on 14th August, 1947.

(d) British aircraft and aircraft belonging to foreigners, being within the limits of this Order.

(e) British subjects outside the limits of this Order on whom a writ of summons or other process may be served in accordance with Rules of Court.

(2) If a question arises whether any place is within the limits of this Order or whether any person is a British protected person or a foreigner as defined in this Order, such question may be referred by the Court to the Political Resident, and a certificate under his hand and seal shall be conclusive on the question, and judicial notice shall be taken thereof.

9. All His Majesty's jurisdiction exercisable within the limits of this Order for the hearing and determination of criminal and civil matters, or for the maintenance of order or for the control or administration of persons or property, or in relation thereto, shall be exercised under and according to the provisions of this Order, so far as this Order extends and applies.

10. Every judge and officer of the Courts established under this Order shall, as far as there is proper opportunity, promote reconciliation and encourage and facilitate the settlement in an amicable way, and without recourse to litigation, of matters in difference between persons subject to this Order, or between persons subject to this Order and persons within the limits of this Order who are not subject to this Order.



PART II.—LAW TO BE APPLIED

11.—(1) Subject to the other provisions of this Order His Majesty's criminal and civil jurisdiction in Qatar shall, so far as circumstances admit, be exercised on the principles of, and in conformity with, the enactments applicable as hereinafter mentioned of the Indian Legislature and of the Bombay Legislature, and in accordance with the powers vested on 14th August, 1947, in the Courts in the province of Bombay beyond the limits of the ordinary original jurisdiction of the High Court of Judicature at Bombay, and with the practice and procedure observed by and before those Courts at that date, according to their respective jurisdiction and authority, and so far as such enactments, powers, practice and procedure are inapplicable shall be exercised in accordance with justice, equity and good conscience.

(2) The enactments mentioned in the schedule to this Order shall as from the date of the commencement of this Order apply to all persons subject to this Order as they applied on 14th August, 1947, in the province of Bombay, but subject to the following adaptations and modifications:—

(i) All references in the said enactments to "British India" or any part thereof shall, except where the context otherwise requires, be construed as references to the limits of this Order and all references therein to the "Central Government" and the "Provincial Government" shall, except as otherwise provided or where the context otherwise requires, be construed as references to the Secretary of State and Political Resident respectively.

(ii) For the purpose of facilitating the application of the said enactments, the Political Resident may, by order in writing, direct by what officers any power conferred by the said enactments on authorities other than the Central Government and the Provincial Government shall be exercisable.

(3) Any other enactments of the Indian Legislature or of the Bombay Legislature in force in the province of Bombay on 14th August, 1947, may be applied to Qatar by King's Regulations under Article 85 of this Order.

(4) The Court may construe any enactments in force in Qatar, under the provisions of this Article, with such alterations not affecting the substance as may be necessary or proper to adapt the same to the matter before the Court.

12.—(1) The following enactments shall apply to Qatar as if it were a British Colony or Possession but subject to the provisions of this Order and to the exceptions, adaptations, and modifications specified in paragraph (2) of this Article and in Article 23 below:—

- (i) The Admiralty Offences (Colonial) Acts, 1849 and 1860(d).
- (ii) The Foreign Tribunals Evidence Act, 1856(e).
- (iii) The Evidence by Commission Acts, 1859 and 1885(f).
- (iv) The British Law Ascertainment Act, 1859(g).
- (v) The Foreign Law Ascertainment Act, 1861(h).
- (vi) The Fugitive Offenders Act, 1881(i).
- (vii) The Merchant Shipping Act, 1894, Part XIII.

(d) 12 & 13 Vict. c. 96 and 23 & 24 Vict. c. 122.

(f) 22 Vict. c. 20 and 48 & 49 Vict. c. 74.

(h) 24 & 25 Vict. c. 11.

(e) 19 & 20 Vict. c. 113.

(g) 22 & 23 Vict. c. 63.

(i) 44 & 45 Vict. c. 69.



(2) (i) References in any of the said Acts to the Governor of a Colony or British Possession, to a Superior Court or Supreme Court, and to a Magistrate or Justice of the Peace of a Colony or British Possession shall be construed respectively as references to the Political Resident, the Full Court, the Chief Court and the Court of the Political Agent.

(ii) With respect to the Fugitive Offenders Act, 1881:—

(a) The Act shall extend only to British subjects.

(b) So much of the 4th and 5th sections of the said Act as relates to sending a report of the issue of a warrant together with the information or a copy thereof, or to the sending of a certificate of committal and report of a case, or to the information to be given by a Magistrate to a fugitive shall be excepted, and in lieu of such information the person acting as the Magistrate shall inform the fugitive that in the British Possession to which he may be conveyed he has the right to apply for a writ of *habeas corpus* or other like process.

(c) So much of the 6th section of the said Act as requires the expiration of fifteen days before issue of warrant shall be excepted.

(d) The Political Resident shall not be bound to return a fugitive offender to a British Possession unless satisfied that the proceedings to obtain his return are taken with the consent of the Governor of that Possession.

(e) For the purposes of Part II of the said Act, Muscat, Bahrein, Kuwait, Qatar and the Trucial States, shall be deemed to be one group of British Possessions.

13. The Colonial Prisoners Removal Act, 1884(j), shall apply to Qatar as if Qatar were a British Possession, but references to the Governor of a British Possession shall be construed as references to the Political Resident.

14. Where, by virtue of any Act of Parliament of the United Kingdom, or of this Order, or otherwise, any provisions of any Acts of Parliament of the United Kingdom, or of any Law in force in India, or of any Orders in Council other than this Order, are applicable within the limits of this Order, or any forms, regulations, or procedure prescribed or established by or under such Act, Law, or Order, are made applicable for any purpose of this Order, or any other Order relating to Qatar, such Acts, Laws, Orders, forms, regulations, or procedure may be construed or used with such alterations and adaptations not affecting the substance as may be necessary having regard to local circumstances, and anything required to be done by, to, or before any Court, Judge, Officer, or Authority may be done by, to, or before a Court, Judge, Officer, or Authority having the like or analogous functions, or by, to, or before any Officer designated by the Secretary of State or by the Court (as the case may require) for that purpose; and in case any difficulty occurs in the application the Secretary of State may direct by, to, or before whom and in what manner anything is to be done, and such Act, Law, Order, form, regulation or procedure shall be construed accordingly.

Where, under any such Act of Parliament, Law, or Order, any publication is required to be made as respects any judicial proceeding in any "Gazette" or otherwise, such publication shall be made by such mode as the Court shall think fit to direct.

15. All orders criminal or civil, duly made by a court under the Bahrein, Kuwait, Muscat and Trucial States Orders, may, on application to the Court, be rendered enforceable within the limits of this Order as if they were orders of the court.

(j) 47 & 48 Vict. c. 31.



PART III.—COURTS

16.—(1) For the purposes of the exercise of jurisdiction under this Order, there shall be constituted and maintained:—

- (i) The Court of the Political Agent;
- (ii) The Chief Court;
- (iii) The Full Court.

(2) (i) The Court of the Political Agent shall have the powers and jurisdiction:

- (a) in criminal matters of a District Magistrate and Sessions Judge;
- (b) in civil matters of a District or principal Civil Court of original jurisdiction in the district.

(ii) The Political Agent and such other officers as may from time to time be appointed for this purpose by the Secretary of State shall be the Judges of the Court of the Political Agent and shall have the powers of a District Magistrate and Sessions Judge and of a District Judge.

(3) (i) The Chief Court shall have the powers and jurisdiction:

- (a) in criminal matters of a High Court of Judicature;
- (b) in civil matters of the highest Court of Appeal for the district, and shall hear appeals from the Court of the Political Agent.

(ii) The Judges of the Chief Court shall be the Political Resident and the Assistant Judge. The Assistant Judge shall be appointed by order of the Secretary of State and shall be a person who has held judicial office under the Crown or been a Member of the Bar of England, Scotland or Northern Ireland of not less than 9 years' standing. Each Judge of the Chief Court may exercise all the powers and jurisdiction of the Court.

(4) (i) The Full Court shall have jurisdiction to hear and determine all appeals from the Chief Court and shall, as far as circumstances permit, follow the procedure and practice laid down in the Indian Codes of Criminal and Civil Procedure with regard to appeals. Appeals in civil matters shall only be by leave of the Chief Court.

(ii) The Full Court shall sit in accordance with arrangements from time to time made by the Political Resident, and shall be composed of not more than three and not less than two members nominated by the Political Resident from among the following:—

The Political Resident.

The Assistant Judge.

Any Judge of the High Court of Kenya.

Any Judge of the High Court of Cyprus.

Any Member of the Bar of England, Scotland and Northern Ireland of not less than 9 years' standing.

(iii) Unless the Political Resident is sitting as a member of the Full Court, the senior member of the Court shall preside. In case of difference of opinion in the Full Court of three members, the decision shall be in accordance with the decision of the majority. In the case of a difference of opinion in the Full Court of two members, the decision under appeal shall stand, but the Political Resident may cause a third member to be added to the Court after the close of the hearing, who may participate in the decision after studying the record.

(5) Appeals from the Full Court to His Majesty in Council shall be either by leave of the Full Court or by special leave of His Majesty in Council. Rules of Court shall provide for the procedure to be followed with regard to appeals to His Majesty in Council.



PART IV.—CRIMINAL MATTERS

17.—(1) Subject to the other provisions of this Order the Code of Criminal Procedure and the other Indian enactments relating to the administration of criminal justice made applicable to all persons subject to this Order shall apply to, and have effect in, Qatar as if it were a district in the province of Bombay. The powers of the Central Government and of the Provincial Government under those enactments shall be exercisable by the Secretary of State.

Notwithstanding anything in the previous provisions of this paragraph, or in the enactments therein referred to, in any case involving an offence punishable under Chapters XVI to XXIII inclusive of the Indian Penal Code which under the second schedule of the Indian Code of Criminal Procedure is triable by a magistrate of the second or third class, the Political Agent may, if both the complainant and the defendant are Muhammadans and are acquiescent in such procedure, order the case to be tried by a Qazi, a representative from the Court of the Political Agent attending to record briefly the proceedings. In such cases the judgment passed by the Qazi shall not be carried into effect until it is ratified by the Court of the Political Agent, and the Court of the Political Agent shall have power to revise the finding and sentence as if the Qazi were a subordinate Magistrate, or to return the case for retrial to the same or another Qazi. The sentence of the Qazi, when ratified by the Court of the Political Agent, shall for all purposes be regarded as if it were the decision of the Court of the Political Agent.

(2) Any jurisdiction exercisable by the Chief Court in criminal matters under this Order may be exercised by that Court either within the limits of this Order or elsewhere within the limits of the Bahrein, Kuwait, Muscat and the Trucial States Orders.

18. In cases in which the Code of Criminal Procedure requires the sentence of a Court of Session to be confirmed by the High Court, the sentence shall be referred for confirmation to the Secretary of State instead of to the Chief Court.

19.—(1) Where a person subject to the Order is accused of the commission of an offence cognisable by the Court of the Political Agent, the Chief Court may, where it appears so expedient, by warrant under the hand and seal of the Political Resident, cause the accused to be sent for trial by a Court of the Political Agent established by Order in Council in Bahrein, Kuwait, Muscat and Oman, or the Trucial States.

(2) The warrant shall be sufficient authority to any person to whom it is directed to receive and retain the person therein named and to carry him to and deliver him up at Bahrein, Kuwait, Muscat and Oman or the Trucial States according to the warrant.

(3) Where any person is to be sent to Bahrein, Kuwait, Muscat and Oman, or the Trucial States, the Court before which he is charged shall take the preliminary examination, and shall bind over such of the proper witnesses as are British subjects in their own recognisances to appear and give evidence at the trial.

(4) Where a person subject to the Bahrein, Kuwait, Muscat and the Trucial States Orders is accused of an offence within the limits of the aforesaid Orders and has by warrant under seal of the Political Resident been sent for trial in Qatar the Court shall have power to try the case as if the alleged offence had been committed within the limits of this Order by a person subject to this Order.



'File 7/1 IV General correspondence regarding Kuwait Order in Council (1949) and King's Regulations made under the Kuwait Order in Council' [77r] (153/240)

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20.—(1) The Political Resident may from time to time, subject to the directions of the Secretary of State, by general order under his hand and seal, prescribe the manner in which, and the places within the limits of this Order or the Bahrein, Kuwait, Muscat, and the Trucial States Orders at which sentences passed by the Court are to be carried into execution and may appoint any building or place specified in the order to be a prison for the purposes of this Order, and such persons as he thinks fit to be gaolers, keepers or officers of any such prison.

(2) If at the place at which any Court is held there is no place or building appointed as a prison in accordance with the preceding paragraph of this Article, it shall be lawful for any Court, by order or warrant under the seal of the Court, temporarily and for the purposes of any particular case or cases to appoint any place or building specified in the order to be a prison for the purposes of this Order, and such persons as the Court thinks fit to be keepers in such prison.

(3) A warrant under the seal of the Court shall be sufficient authority to the person or persons to whom it is directed to deliver and detain the person named therein according to the warrant at any prison appointed in accordance with the preceding paragraph of this Article.

(4) A warrant under the seal of any other court acting under the Bahrein, Kuwait, Muscat or Trucial States Orders shall be sufficient authority within the limits of this Order to the person or persons to whom it is directed to deliver and detain the person named therein according to the warrant at any prison appointed in accordance with the preceding paragraphs of this Article.

21.—(1) Without prejudice to the provisions of Article 22 of this Order, the Political Resident or the Political Agent acting under the authority of the Political Resident may, by warrant under his hand and seal, order any person convicted by the Court and sentenced to imprisonment to be sent to and detained at any prison within the limits of this Order or the Bahrein, Kuwait, Muscat or Trucial States Orders specified therein. Such prison may be a place appointed in accordance with the provisions of paragraph (1) of Article 20, or a place appointed temporarily and for the purpose of the particular case.

(2) The warrant of the Political Resident or the Political Agent acting under the authority of the Political Resident shall be sufficient authority to any person to whom it is directed to carry and deliver up the person therein named and to receive and detain him at the prison named according to the warrant.

(3) In any case where a person sentenced to imprisonment for a term exceeding one month is detained in a prison temporarily appointed in accordance with the provisions of paragraph (2) of Article 20, the Court by which the sentence was awarded shall report the case and the circumstances thereof to the Political Resident for his directions.

(4) Without prejudice to the provisions of Article 22, the Political Resident upon the receipt of such report may make an order under paragraph (1) of this Article, or may direct that the sentence shall continue to be served at the place where the prisoner is at present detained.

22.—(1) Where an offender convicted before any Court under this Order is sentenced to imprisonment, and the Political Resident proceeding under section 7 of the Foreign Jurisdiction Act, 1890, authority in that behalf being hereby given to him, considers it expedient that the sentence should be carried into effect elsewhere than within the limits of this Order, and the



offender is accordingly sent for imprisonment to a place outside the limits of this Order, the place shall be either a place in some part of His Majesty's dominions the Government whereof consents that offenders may be sent thither under this Article, or a place in which by treaty, grant, usage, sufferance, or other lawful means His Majesty has jurisdiction.

(2) A warrant under the hand and seal of the Political Resident shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named and to carry him to and deliver him up at the place named according to the warrant.

23.—(1) In cases of murder or culpable homicide, if either the death or the criminal act which wholly or partly caused the death happened in Qatar, a Court acting under this Order shall have the like jurisdiction over any person to whom this Order applies who is charged either as a principal offender or as an abettor as if both such criminal act and the death had happened in Qatar.

(2) In the case of any offence committed on the high seas or within the Admiralty jurisdiction by any person who at the time of committing such offence was on board a British ship, or by any British subject on board a foreign ship to which he did not belong, the Court shall, subject to the provisions of this Order, have jurisdiction over such person as if the offence had been committed within its jurisdiction.

(3) In cases tried under this Article no different sentence can be passed from that which could have been passed in India if the crime had been tried there on 14th August, 1947.

(4) The foregoing provisions of this Article shall be deemed as well as the provisions of Article 12 (2) above to be adaptations, for the purposes of this Order and of the Foreign Jurisdiction Act, 1890, of the following enactments, namely:—

The Admiralty Offences (Colonial) Act, 1849;

The Admiralty Offences (Colonial) Act, 1860;

The Merchant Shipping Act, 1894, Part XIII;

and those enactments shall apply accordingly, and be administered in Qatar.

24. Where a person is convicted of an offence the Court before which he is convicted may, if it thinks fit at any time before he is discharged, require him to give security to the satisfaction of the Court for his future good behaviour, and for that purpose may, if it thinks fit, cause him to come or be brought before the Court.

25.—(1) Where it is shown by evidence on oath, to the satisfaction of the Court, that any person to whom this Order applies has committed, or is about to commit, an offence against this Order, or is otherwise conducting himself so as to be dangerous to peace and good order, or is endeavouring to excite enmity between the people of Qatar and His Majesty, or is intriguing within the limits of this Order against His Majesty's power and authority, the Court may, if it thinks fit, by order under its seal, prohibit that person from being within the limits of this Order during any time therein specified, not exceeding two years, or alternatively may require him to give security for his future good behaviour.

(2) The Court, by order in writing under its seal, may vary any order of prohibition (not extending the duration thereof), and may revoke any order of prohibition.



(3) The Court shall forthwith report the order and the grounds thereof to the Chief Court, which shall forthwith report to the Secretary of State every order made under this Article, and the grounds thereof, and the proceedings thereunder.

26.—(1) If any person to whom this Order applies fails to give security for good behaviour or for keeping the peace when lawfully required to do so, or fails during the continuance of the security to keep the peace or be of good behaviour, or fails to comply with an order of prohibition made under this Order, the Court may, if it thinks fit, order that he be deported from any place within its jurisdiction as prescribed by this Order.

(2) If the order of deportation is made by the Court, it shall forthwith report to the Chief Court the order and the grounds thereof.

(3) Thereupon the person ordered to be deported, unless the Chief Court thinks fit otherwise to direct, shall, as soon as practicable and in the case of a person convicted either after execution of the sentence or while it is in course of execution, be removed in custody under warrant to the place named in the warrant.

(4) The place named in the warrant shall be

(i) a place in that part of His Majesty's dominions or in that protectorate, protected State, mandated territory or trust territory to which the person belongs or in that State of which the person is a national, or

(ii) a place in another territory or State the Government of which consents to the reception of persons deported under this Order.

(5) The Court, on making an order of deportation, may, if it thinks fit, order the person to be deported to pay all or any part of the expenses of his deportation, to be fixed by the Court in the order. Subject thereto, the expenses of deportation shall be defrayed as the Secretary of State, with the concurrence of the Treasury, may direct.

(6) The Chief Court shall forthwith report to the Secretary of State every order of deportation made under this Order, and the grounds thereof, and the proceedings thereunder.

(7) If a person deported under this Order returns to Qatar without permission in writing of the Chief Court or the Secretary of State (which permission the Chief Court or the Secretary of State respectively may give), he shall be punished with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees, or with both.

(8) He shall also be liable to be forthwith again deported under the original or a new order, and a fresh warrant.

27. An appeal shall not lie against an order of prohibition or of deportation made under this Order.

28.—(1) Where under this Order a person is to be sent or removed or deported from any place within the jurisdiction of the Court as prescribed by this Order he shall, by warrant of the Court sealed with its seal, be detained, if necessary in custody or in prison, until a fit opportunity for his removal or deportation occurs, and then be put on board a vessel belonging to, or in the service of, His Majesty, or, if no such vessel is available, then on board some other British or other fit vessel.

(2) The warrant shall be sufficient authority to the person to whom it is directed or delivered for execution, and to the Commanding Officer or master of the vessel, to receive and detain the person therein named, in the manner therein prescribed, and to send or remove and carry him to the place therein named, according to the warrant.



(3) In case of sending or removal for any purpose other than deportation, the warrant shall be issued in duplicate, and the person executing it shall, as soon as practicable after his arrival at the place therein named, deliver according to the warrant, with one of the duplicates of the warrant, to a constable, or proper officer of police, or keeper of a prison, or other proper authority or person there, the person named in the warrant, to be produced on the order of the proper Court or authority there, or to be otherwise dealt with according to law.

29.—(1) If any person to whom this Order applies does any of the following things, namely:—

- (a) Wilfully by act or threat obstructs any Officer of, or person executing any process of, the Court in the performance of his duty; or
- (b) Within or close to the room or place where the Court is sitting wilfully misbehaves in a violent, threatening, or disrespectful manner to the disturbance of the Court, or to the intimidation of suitors or others resorting thereto; or
- (c) Wilfully insults any members of the Court, or any assessor, or any person acting as a Clerk or Officer of the Court during his sitting or attendance in Court, or in his going to or returning from Court; or
- (d) Does any act in relation to the Court or a Judge thereof, or a matter pending therein, which, if done in relation to a High Court in British India, would have been punishable as a contempt of such Court;

such person shall be liable to be apprehended by order of the Court with or without warrant, and, on inquiry and consideration, and after the hearing of any defence which such person may offer, without further process or trial, to be punished with a fine not exceeding 100 rupees, or with imprisonment not exceeding twenty-four hours.

A Minute shall be made and kept of every such case of punishment, recording the facts of the offence and the extent of the punishment.

Provided that, if the Court thinks fit, instead of proceeding under the preceding provisions, it may direct or cause the offender to be tried in a separate criminal prosecution or proceeding, in which the offender shall be liable to any punishment to which he would have been liable on 14th August, 1947, if the offence had been committed in relation to the Court of a Sessions Judge in India.

Nothing herein shall interfere with the power of the Court to remove or exclude persons who interrupt or obstruct the proceedings of the Court.

(2) The provisions of paragraph (1) of this Article shall also apply if any person subject to this Order does any of the acts enumerated in sub-paragraphs (b), (c) or (d) thereof in relation to the Joint Court to which a complaint has been referred under Article 53 or 54 (1), or in relation to a Qazi to whom a matter has been referred under Article 17 (1), 42 or 54 (2).

30. If any person to whom this Order applies smuggles or imports into or exports from Qatar any goods whereon any duty is charged by or payable to the Sheikh, with intent to evade payment of the duty, he shall be punished with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees or to a sum equal to treble the value of the goods (whichever shall be the greater), or with both imprisonment and fine.

31. If any person to whom this Order applies smuggles or imports into or exports from Qatar any goods the importation or exportation whereof is lawfully prohibited he shall be punished with imprisonment for a



term which may extend to one year, or with a fine which may extend to 2,000 rupees or to a sum equal to treble the value of the goods (whichever shall be the greater), or with both imprisonment and fine.

32. Any act which, if it had been done in British India on 14th August, 1947, would have been an offence against the law then in force in British India, relating to trade-marks, merchandise marks, copyright designs, or inventions, shall, if done in Qatar by a person to whom this Order applies, be an offence punishable with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees, or with both.

33.—(1) If any person to whom this Order applies:—

- (i) Publicly derides, mocks or insults any religion, established or observed within the limits of this Order; or
- (ii) Publicly offers insult to any religious service, feast, or ceremony established or kept in any place within those limits, or to any place of worship, tomb, or sanctuary belonging to any religion established or observed within those limits, or belonging to the ministers or professors thereof; or
- (iii) Publicly and wilfully commits any act tending to bring any religion established or observed within those limits, or its ceremonies, modes of worship, or observances into hatred, ridicule, or contempt, and thereby to provoke a breach of the public peace;

he shall be guilty of an offence, and on conviction thereof liable to imprisonment, which may extend to two years, with or without a fine not exceeding 500 rupees, or to a fine alone not exceeding 500 rupees.

(2) The Political Agent shall take such precautionary measures as seem to him proper and expedient for the prevention of such offences.

34.—(1) If any person subject to this Order prints, publishes, or offers for sale any printed or written newspaper or other publication containing seditious matter, he shall be guilty of an offence and on conviction thereof liable to imprisonment, which may extend to two years, with or without a fine not exceeding 1,000 rupees or to a fine alone not exceeding 1,000 rupees, and may, in addition to, or in lieu of, any other sentence, be ordered to give security for good behaviour, or to be deported.

(2) Where any printed or written newspaper or other publication containing seditious matter is printed, published, or offered for sale within the limits of this Order by a Company incorporated under the laws of any part of His Majesty's dominions, protectorates or protected states or of any mandated territory or trust territory, the Court may, after notice to the Company, and on proof of the facts, require the Company to give security to abstain from such printing, publishing, or offering for sale in future. If the Company fail to give security, or if the Company is shown to have again printed, published, or offered for sale such newspaper, or other publication containing seditious matter after giving such security, the Court may make an order prohibiting the Company from carrying on business within the limits of the Order, and may make such other orders as to the Court may seem just. The Court may also declare all the property of the Company within the limits of the Order to be forfeited to His Majesty, and shall dispose of it, subject to any general or special directions of the Secretary of State, as it thinks fit.



(3) Matter calculated to excite tumult or disorder, or to excite enmity between persons subject to this Order and the Sheikh or Qatar subjects, or between different classes of person subject to this Order, or between the Sheikhs and Qatar subjects, shall be deemed to be seditious matter within the meaning of this Article.

35.—(1) If a Clerk or Officer of the Court acting under pretence of the process or authority of the Court, is charged with extortion, or with not paying over money duly levied, or with other misconduct, the Court may, if it thinks fit, enquire into the charge in a summary way, and may for that purpose summon and enforce the attendance of all necessary persons as in a suit, and may make such order for the repayment of any money extorted, or for the payment over of any money levied, and for payment of such damages and costs as the Court thinks fit.

(2) The Court may also, if it thinks fit, on the same enquiry impose on the Clerk or Officer such fine, not exceeding 50 rupees for each offence, as the Court thinks fit.

(3) A Clerk or Officer punished under this Article shall not, without the leave of the Court, be liable to a civil suit in respect of the same matter; and any such suit, if already or afterwards begun, may be stayed by the Court in such manner and on such terms as the Court thinks fit.

(4) Nothing in this Article shall be deemed to prevent any person from being prosecuted under any other legal provision, which is applicable, for any act or omission punishable under this Article, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Article:

Provided that no person shall be punished twice for the same offence.

36. Any person being within the limits of this Order may be proceeded against, tried, and punished under this Order for piracy wherever committed.

37.—(1) The Foreign Jurisdiction Neutrality Order in Council, 1904(k) shall apply to all persons and to all property subject to this Order.

(2) Nothing in this Order shall affect the operation within the limits of the Order of the Foreign Jurisdiction (Military Forces) Order in Council, 1927(l).

38. Where a person entitled to appeal to the Chief Court or the Full Court from any judgment or order passed in the exercise of criminal jurisdiction under this Order desires so to appeal, he shall present his petition of appeal to the Court which passed the judgment or order; and the petition shall with all practicable speed be transmitted to the Chief Court or the Full Court with certified copies of the charge (if any) and proceedings, of all documentary evidence submitted or tendered of the depositions, of the notes of the oral testimony, and of the judgment or order, and any argument on the petition of appeal that the appellant desires to submit to the Chief Court or the Full Court.

39. The Court against whose judgment or order the appeal is preferred may postpone the execution of the sentence pending the appeal, and shall, if necessary, commit the person convicted to prison for safe custody, or detain him in prison for safe custody, or shall admit him to bail, and may take security, by recognisance, deposit of money, or otherwise, for his payment of any fine.

(k) S.R. & O. 1904 (No. 1654) p. 174. (l) S.R. & O. 1927 (No. 359) p. 478.



PART V.—CIVIL MATTERS

40.—(1) Subject to the other provisions of this Order, the Code of Civil Procedure and the other Indian enactments relating to the administration of civil justice and to insolvency and bankruptcy made applicable to all persons subject to this Order shall apply to, and have effect in Qatar, as if it were a district in the province of Bombay on 14th August, 1947. The powers both of the Central Government and the Provincial Government under those enactments shall be exercisable by the Secretary of State.

(2) Any jurisdiction exercisable by the Chief Court under this Order in civil matters may be exercised by that Court, either within the limits of this Order or elsewhere within the limits of Bahrein, Kuwait, Muscat and Trucial States Orders.

41. When a suit between persons to whom this Order applies is filed in the Court of the Political Agent, the Court shall enquire from the several parties whether they desire that proceedings shall be instituted in accordance with the Code of Civil Procedure and the Indian enactments made applicable to Qatar, or in accordance with local usage, and shall record their replies.

42. When any of the several parties desire that the suit shall be determined in accordance with the Code of Civil Procedure and other enactments made applicable to Qatar, the Court of the Political Agent shall forthwith proceed to decide the suit in accordance with the provisions of such enactments, as far as local conditions permit.

The Court of the Political Agent may, however, refer any matter in the progress of a suit which involves a point of Muhammadan law to a Qazi for a decision, or may send any party or witness, being a Muhammadan, to a Qazi for the administration of an oath; or may refer any matter in the progress of a suit between parties belonging to the same community which, in the discretion of the Court, is a fit and proper subject for the decision of the local leaders of that community, to a punch or jama'at of the leaders of such community; or, in commercial cases, may refer any matter in the progress of a suit which, in the discretion of the Court, is a fit and proper subject for the decision of the principal local merchants to a majlis or jama'at of such merchants.

43.—(1) The Foreign Jurisdiction (Admiralty) Order in Council, 1910^(m) shall apply to Qatar, and the Chief Court shall have the jurisdiction conferred by Article 4 of that Order, and the Court of the Political Agent shall be deemed to be a Provincial Court, and the Registry thereof a District Registry within the meaning of the said Order.

(2) Admiralty actions commenced in the said Registry shall be tried in the Court of the Political Agent unless the Chief Court is at the time sitting within the limits of this Order, or unless all parties agree that the action shall be tried in the Chief Court sitting elsewhere than within the limits of this Order.

(3) The duties of the Registrar and of the Marshal, either of the Chief Court or of the Court of the Political Agent, under the said Order shall be performed by such Officers as the Political Resident shall direct.

44.—(1) The Court of the Political Agent shall endeavour to obtain, as early as may be, notice of the deaths of all persons subject to this Order leaving property in any place within the jurisdiction of the Court as prescribed by this Order, and all such information as may serve to guide the Court with respect to the securing and administration of their property.

^(m) S.R. & O. 1910 (No. 1183) p. 131.



(2) On receiving notice of the death of such a person the Court shall put up a notice thereof at the Court-house, and shall keep the same there until probate or administration is granted, or, where it appears to the Court that probate or administration will not be applied for or cannot be granted, for such time as it thinks fit.

(3) The Court shall, where the circumstances of the case appear so to require, as soon as may be, take possession of the property left by the deceased in any place within the jurisdiction of the Court as prescribed by this Order, or put it under its seal (in either case, if the nature of the property or other circumstances so require, making an inventory) and so keep it until it can be dealt with according to law, perishable articles being disposed of as the Court may consider best in the interests of the estate.

(4) All expenses incurred on behalf of the Court in so doing shall be the first charge on the property of the deceased, and the Court shall, by sale of part of that property, or otherwise, provide for the discharge of these expenses.

(5) When a person subject to this Order dies in Qatar or elsewhere intestate, then, until administration is granted, his property in Qatar shall be vested in the Political Agent.

45. If a person to whom this Order applies, who is named executor in a will, and to the establishment of whose title as such it is necessary to obtain probate of that will, takes possession of and administers, or otherwise deals with, any part of the property of the deceased, and does not obtain probate within one month after the death, or after the termination of any proceeding respecting probate or administration, he shall be liable to pay double the amount of any fees chargeable on obtaining probate, and he shall also be liable to a fine which may extend to 1,000 rupees.

46. If any person to whom this Order applies, other than the person named executor, or the administrator, or a person entitled to represent the deceased without obtaining probate or letters of administration, or an Officer of the Court, takes possession of and administers or otherwise deals with, any part of the property of the deceased, he shall, as soon as practicable, notify the fact and the circumstances to the Court of the Political Agent, and shall furnish to the Court all such information as the Court requires, and shall conform to any direction of the Court in relation to the custody, disposal, or transmission of the property or the proceeds thereof, and, in case of any contravention of this Article, he shall be punished with a fine, which may extend to 1,000 rupees.

47. Where a person to whom this Order applies is named executor in a will and survives the testator, but either dies without having obtained probate or, having been called on by the Court to apply for probate, does not appear, his right in respect of the executorship wholly ceases; and, without further renunciation, the representation of the testator and the administration of his property shall go and may be committed as if that person had not been appointed executor.

48. Where it appears to the Court that the value of the property or estate of a deceased person subject to this Order does not exceed 1,500 rupees the Court may, without any probate, letters of administration or other formal proceeding, pay thereout any debts or charges and pay, remit or deliver any surplus to such persons and in such manner as the Court thinks proper, and no member or Officer of the Court shall be liable to any action, suit, or proceedings in respect of anything done under this Article.



49. The Foreign Jurisdiction (Probates) Order in Council, 1935(n), shall apply to all persons and to all property subject to this Order.

50.—(1) When the circumstances of the case appear to the Court of the Political Agent so to require, for reasons recorded in its proceedings, the Court may, if it thinks fit, of its own motion or otherwise, grant letters of administration to an Officer of the Court.

(2) The Officer so appointed shall act under the direction of the Court, and shall be indemnified thereby.

(3) He shall publish such notices, if any, as the Court thinks fit, in Qatar, the United Kingdom, and elsewhere.

(4) The Court shall require and compel him to file in the proper Office of the Court his accounts of his administration at intervals not exceeding three months, and shall forthwith examine them and report thereon to the Chief Court.

(5) The accounts shall be audited under the direction of the Court of the Political Agent.

(6) All expenses incurred on behalf of the Court in execution of this Article shall be the first charge on the estate of the deceased as dealt with in accordance with the provisions of this Order; and the Court shall, by the sale of that estate or otherwise, provide for the discharge of those expenses.

51. In cases where parties are Muhammadans the Court of the Political Agent may refer any question concerning probate of wills or administration of property of deceased persons to whom this Order applies to a Qazi for settlement under the general supervision of the Court.

52.—(1) If an Officer of the Court, employed to execute a decree or order, loses, by neglect or omission, the opportunity of executing it, then, on complaint of the person aggrieved and proof of the fact alleged, the Court may, if it thinks fit, order the Officer to pay the damages sustained by the person complaining, or part thereof.

(2) The order may be enforced as an order directing payment of money.

PART VI.—MIXED CASES: QATAR SUBJECTS AND PERSONS
SUBJECT TO THIS ORDER

(a) *Criminal*

53. When a Qatar subject desires to institute a complaint against a person to whom this Order applies, or a person to whom this Order applies desires to institute a complaint against a Qatar subject, the Political Agent shall entertain the same and send it to the Joint Court.

(b) *Civil*

54.—(1) When a Qatar subject desires to bring a suit against a person to whom this Order applies, or a person to whom this Order applies desires to bring a suit against a Qatar subject, the Political Agent shall admit the complaint and refer it to a Joint Court.

(2) Nothing herein mentioned shall prevent the Joint Court from referring any matter in the progress of a suit which involves a point of Muhammadan law to a Qazi for decision, or from sending any party or witness, being a Muhammadan, to a Qazi for the administration of an oath.

(n) S.R. & O. 1935 (No. 896) p. 522.



55.—(1) Where a person to whom this Order does not apply obtains, in a Court established under this Order, a decree or order against a defendant, being a person subject to this Order, and in another suit that defendant is plaintiff and the person to whom this Order does not apply is defendant the Court may, if it thinks fit, on the application of the person subject to this Order, stay the enforcement of the decree or order pending that other suit, and may set off any amount decreed or ordered to be paid by one party in one suit against any amount decreed or ordered to be paid by the other party in the other suit.

(2) Where a plaintiff, being a person to whom this Order does not apply, obtains a decree or order, in a Court established under this Order, against two or more defendants being persons subject to this Order jointly, and in another suit one of them is a plaintiff and the person to whom this Order does not apply is defendant, the Court may, if it thinks fit, on the application of the persons subject to this Order, stay the enforcement of the decree or order pending that other suit, and may set off any amount decreed or ordered to be paid by one party in one suit against any amount decreed or ordered to be paid by the other party in the other suit, without prejudice to the right of the person subject to this Order to obtain contribution from his co-defendants under the joint liability.

(3) Where in a suit a person to whom this Order does not apply is co-plaintiff with a person subject to this Order, who is in Qatar, it shall not be necessary for the person to whom this Order does not apply to give security under this Article as regards fees and costs, unless the Court so directs, but the co-plaintiff person subject to this Order shall be responsible for all fees and costs.

56.—(1) Every agreement for reference to arbitration between a person to whom this Order applies on the one hand, and a person not subject to this Order on the other hand, may, on the application of any party, be filed for execution in the Office of the Court.

(2) The Court shall thereupon have authority to enforce the agreement and the award made thereunder and to control and regulate the proceedings before and after the award in such manner and on such terms as the Court may think fit, in concert with the Sheikh or his representative.

(c) *General*

57.—(1) Where it is proved that the attendance of a person to whom this Order applies, to give evidence, or for any other purpose connected with the administration of justice, is required before a Qatar tribunal, a Court established under this Order may, if it thinks fit, in a case and in circumstances in which the Court would require the attendance of that person before the Court, order that he do attend as required. The order may be made subject to such conditions as the Court thinks fit.

(2) If the person so ordered to attend, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly, and does not excuse his failure to the satisfaction of the Court, he shall, independently of any other liability, be liable to be punished with imprisonment for a term which may extend to two months, or with a fine which may extend to 1,000 rupees, or with both.

58. When a person to whom this Order applies invokes or submits to the jurisdiction of a Qatar tribunal, the Court may, on such evidence as it thinks fit to require, enforce payment of such fees and expenses in the same manner as if they were fees payable in a proceeding in the Court, and shall



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pay over and account for the same, when levied, to the proper Qatar authority, as the Court may direct. The Court may also enforce compliance with any judgment given by such Tribunal against such person in the same manner as it may enforce compliance with a judgment given by the Court.

59.—(1) If a person to whom this Order applies wilfully gives false evidence in a proceeding before a Qatar tribunal, or in an arbitration between a person to whom this Order applies, on the one hand, and a person to whom this Order does not apply, on the other hand, he shall be guilty of an offence, and shall, on conviction, be liable to be punished with imprisonment for a term which may extend to two months or with a fine which may extend to 1,000 rupees, or with both.

(2) Nothing in this Article shall exempt a person from liability under any other law applicable within the limits of this Order to any other or higher punishment or penalty:

Provided that no person shall be punished twice for the same offence.

PART VII.—REGISTRATION

60. A register of persons subject to this Order (other than corporations) shall be kept in the Political Agency.

61. Every person subject to this Order (other than a corporation) resident within the limits of this Order shall, in the month of January of each year, be registered at the Political Agency. A person subject to this Order arriving within the limits of this Order shall apply for registration within one month after his arrival, provided that a person who fails to apply for or to obtain registration within the time limited by this Article may be registered at any time if he excuses his failure to the satisfaction of the Political Agent.

62. Where a person is in possession of a valid British or foreign passport, the Political Agent shall, on the first registration of any such person, endorse on the passport without further fee than that provided for in Article 65 a certificate of registration in such form as may be prescribed by the Secretary of State. Where any such person applies for the renewal of the registration and produces his passport, the renewal of the registration shall, without further fee than that provided for in Article 65, be endorsed thereon.

63. Every person, who has not previously been registered, applying to be registered under this Order shall, unless excused by the Political Agent, attend personally for that purpose at the Political Agency; but any person applying for the renewal of his registration need not attend personally unless directed by the Political Agent so to do, provided that the registration of the wife or wives of a man who is registered under this Order may, if she or they be living with him, be effected without their personal attendance being required, and provided also that the registration of minors, being his relatives in whatever degree, living with the head of a family who is registered under this Order, may be effected without their personal attendance being required.

64. A person registered in any register of British subjects established under the provisions of any Order in Council which have been repealed shall be registered under the provisions of this Order, unless the Political Agent is satisfied after enquiry that the previous registration was erroneous or that such person is not entitled to registration under the provisions of this Order.



65. Every person shall, on every registration of himself and on every renewal of registration, pay a fee of one rupee, or such other fee as the Secretary of State from time to time appoints. The amount of the fee so appointed may be uniform for all persons, or may vary according to the position and circumstances of different classes, if the Secretary of State from time to time so directs, but may not in any case exceed 3 rupees.

66. Where any person applies to be registered, he shall be entitled without a fee to the assistance of the Political Agent in the preparation of any affidavit that may be required.

67. The Political Agent may require the production of such evidence that an applicant for registration is entitled to the status of a British subject as he may see fit, but subject to such directions as may be issued by the Secretary of State.

68. If any British subject neglects to obtain registration under the provisions of this Order, he shall not be entitled to be recognised or protected as a British subject within the limits of this Order, and he and any other person subject to this Order who neglects to obtain registration shall be liable to a fine not exceeding 25 rupees for each instance of such failure; but he shall, although not registered, be subject to the jurisdiction of the Courts established by this Order.

69. A register of companies incorporated or registered in the United Kingdom or in any other part of His Majesty's dominions, protectorates or protected states or in any mandated territory or trust territory or in any other country outside the limits of this Order other than Bahrein, Koweit or the Trucial States, and carrying on business in Qatar, shall be kept in the Political Agency, and every such company carrying on business in Qatar shall register there.

70. On the registration of a company at the Political Agency there shall be deposited and filed a copy of the certificate of incorporation of the company or other document corresponding thereto, a statement showing the nominal capital of the company and the amounts thereof which have been subscribed and paid up respectively, and, if the company has been incorporated under a law which provides for the periodical filing of a list of the share-holders, a copy of the last list so filed.

71. The Political Agent shall, on the registration of a company at the Political Agency, issue to the person making the registration a certificate, signed and sealed, that the company has been so registered.

72.—(1) Every company registered under this Order shall register the name and address of the manager or other chief local representative in Qatar, and shall from time to time, as may be necessary, register any alteration of the representative of the company or in his address.

(2) Rules of Court made under Article 77 may provide that service of writs, notices, or other documents upon the person registered under this Article, or at his address, shall be good service of such documents upon the company.

73. Registration of a company under this Order shall not require to be renewed annually, but may be renewed from time to time as the parties may desire, and shall be renewed when any change takes place in the name of the company.

74. On every registration of a company under this Order, and on every renewal thereof, there shall be payable a fee of 10 rupees, and on every registration under Article 72 (1) there shall be payable a fee of 1 rupee.



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75. Any company failing to make such registration or to deposit or file such documents as required by Articles 69, 70 and 72 of this Order and every Director, Manager, Secretary or other officer who is knowingly a party to such default shall be guilty of an offence under this Order, and on proof thereof shall be liable to a fine not exceeding 15 rupees a day for every day during which such offence continues, but not exceeding in all 500 rupees.

PART VIII.—MISCELLANEOUS PROVISIONS

76.—(a) Persons subject to this Order are prohibited from alienating to or acquiring from any person of whatever nationality any land or house property within the limits of this Order, either by gift, purchase, mortgage, or other form of conveyance, without due execution of signature before and registration by the Political Agent previous to the transfer of such property.

Any person subject to this Order charged with any breach of this paragraph shall be liable to, and on conviction punishable under this Order by, a fine not exceeding 500 rupees, or the total value of the property purporting to be so transferred (whichever is greater), or imprisonment up to one calendar month, or both.

(b) Any such deed, or instrument of gift, purchase, mortgage, or other form of conveyance, purporting to transfer property otherwise than in accordance with the provision of (a) above may, on that ground alone, be declared void and of no effect by any Court acting under this Order.

77. The Political Resident may, from time to time, make rules of procedure and other rules, consistent with this Order, for the better execution of the provisions herein contained in respect of any matter arising in the course of any civil or criminal case, including insolvency and bankruptcy proceedings. These rules shall be approved by the Secretary of State before they enter into force.

78.—(1) The Political Resident may, from time to time, make rules imposing fees leviable in respect of any proceedings in, or processes issued out of, any Court established under this Order. These rules shall be approved by the Secretary of State, with the concurrence of the Treasury, before they enter into force.

(2) But a Court before which any matter is pending may, in any case, if it thinks fit, on account of the poverty of a party, or for any other reason, dispense in whole or in part with the payment of any fees chargeable in respect of such matter.

79.—(1) All fees, charges, expenses, costs, fines, damages, and other money payable under this Order or under any law made applicable by this Order, may be enforced under order of the Court by seizure and sale of goods, and in default of sufficient goods, by imprisonment as a civil prisoner for a term not exceeding one month, but such imprisonment shall not operate as a satisfaction or extinguishment of the liability.

(2) Any bill of sale or mortgage or transfer of property made with a view of avoiding such seizure or sale shall not be effectual to defeat the provisions of this Order.

(3) All fees, penalties, fines and forfeitures levied under this Order, and fees, other than actual Court fees, that may be levied under the provisions of this Order shall be paid to the public account, and shall be applied in such manner as the Secretary of State, with the consent of the Treasury, may direct.



80. Whenever an acting Political Agent or Assistant Judge has commenced the hearing of any cause or matter, civil or criminal, he may, unless the Chief Court otherwise directs, continue and complete the hearing and determination thereof, notwithstanding that his authority to act as Political Agent or Assistant Judge has otherwise ceased by reason of the expiration of the time for which he was appointed to act or by reason of the happening of any event by which his authority is determined.

81. The Political Resident or the Political Agent may exercise any power conferred on any Justices of the Peace within His Majesty's dominions by any Act of Parliament, for the time being in force, regulating merchant seamen or the mercantile marine.

82. Where under the Merchant Shipping Act, 1894, anything is authorised to be done by, to, or before a consular officer, such thing may be done in any place in Qatar by, to, or before the Political Resident or the Political Agent.

83. The Political Resident and the Political Agent shall each be entitled in Qatar to act as a Notary Public.

84. The Court shall have jurisdiction from time to time to make an order requiring a person to whom this Order applies to contribute in such manner as the Court directs to the support of his wife, or to the support of his or her child, whether legitimate or not, being in the opinion of the Court under the age of 16 years. Any such order may be made in a summary way as if the neglect to provide for the support of such wife or child were an offence, and any failure to comply with any such order shall be deemed to be an offence, and shall be punishable with a fine not exceeding by more than 10 rupees the amount unpaid under the said Order, and the Court may direct any penalty imposed for such offence to be applied for the support of such wife or child in such manner as the Court thinks fit.

85. The Political Resident shall have power to make Regulations (to be called King's Regulations) for the following purposes (that is to say):—

- (a) For the peace, order, and good government of persons to whom this Order applies in relation to matters not provided for by this Order.
- (b) For securing the observance of any Treaty or arrangement for the time being in force, relating to any place within the limits of this Order, or of any native or local law or custom, whether relating to trade, commerce, revenue, or any other matter.
- (c) For applying, amending, modifying or repealing with respect to Qatar any Acts or enactments which apply, or are made applicable, or have been brought into operation in Qatar, by or under any of the provisions of Article 11 or 12 of this Order.
- (d) For regulating or preventing the importation or exportation of arms or munitions of war, or any parts or ingredients thereof, and for giving effect to any Treaty relating to the importation or exportation of the same.
- (e) For requiring returns to be made of the nature, quantity and value of articles exported from or imported into Qatar, by or on account of any person to whom this Order applies, or in any British ship, and for prescribing the times and manner at or in which and the persons by whom, such returns are to be made.
- (f) For the governance, visitation, care, and superintendence of prisons.
- (g) For the recovery of lighting and other dues from shipping.



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86.—(1) Any Regulations made under the preceding Article may provide for forfeiture of any goods, receptacles, or things in relation to which, or to the contents of which, any breach is committed of such Regulations, or of any Treaty or any native or local law or custom the observance of which is provided for by such Regulations.

(2) Any person to whom this Order applies committing a breach of any such Regulations shall, in addition to any forfeiture prescribed thereby, be liable, on conviction, to imprisonment for a period not exceeding two years or to a fine or to both.

(3) Any fine imposed for a breach of Regulation shall not exceed 1,500 rupees: provided that in the case of any breach of any native or local law relating to customs law, or under which the importation or exportation of any goods is prohibited or restricted, the fine may extend to a sum equivalent to treble the value of the goods in relation to which the breach is committed.

87.—(1) King's Regulations shall not take effect until they are allowed by the Secretary of State; provided that in case of urgency declared in any such Regulations the same shall take effect before such allowance, and shall continue to have effect unless and until they are disallowed by the Secretary of State, and until notification of such disallowance is received and published by the Political Resident, and such disallowance shall be without prejudice to anything done or suffered under such Regulations in the meantime.

(2) All King's Regulations shall be published by the Political Resident in such manner and at such places as he may think proper.

(3) In this Order "breach of the Regulations" includes the breach of any native or local law or custom, the observance of which is required by any King's Regulations.

88. Judicial notice shall be taken of this Order and of the commencement thereof, and of the appointment of the Political Resident, Political Agent, and the Assistant Judge, and of the constitution and limits of the Courts and districts and of the seals and signatures, and of any rules and regulations made or in force under this Order, and no proof shall be required of any of such matters.

89.—The Court shall recognise and apply any reasonable custom existing in Qatar, unless this Order contains some express and specific provision incompatible with the observance thereof.

90. Nothing in this Order shall—

(i) Affect any jurisdiction for the time being exercisable by the Political Resident under any Act of Parliament of the United Kingdom other than the Foreign Jurisdiction Act, 1890; or

(ii) Prevent the Court of the Political Agent from doing anything which His Majesty's Consuls in the dominions of any State in amity with His Majesty are for the time being by law, usage or sufferance entitled or enabled to do.

91. Not later than the 31st day of March in each year, or such other day as the Secretary of State directs from time to time, the Political Resident shall send to the Secretary of State a report on the operation of this Order up to the 31st day of December in the previous year, or such other date as the Secretary of State directs from time to time, showing for the preceding twelve months the number and nature of the proceedings, criminal and civil, taken under this Order, and the result thereof, and the number and amount of fees received, and such other information, and being in such form as the Secretary of State from time to time directs.



92.—(1) As from the commencement of this Order the Qatar Order in Council, 1939 shall be repealed; but this repeal shall not—

- (a) Affect the past operation of that Order or any appointment made, or any right, title, obligation, or liability accrued, or the validity or invalidity of anything done or suffered under that Order, before the making of this Order;
- (b) Interfere with the institution or prosecution of any proceeding or action, criminal or civil, in respect of any offence committed against or forfeiture incurred or liability accrued under or in consequence of any provision of that Order or any regulation confirmed by any such Order or made thereunder;
- (c) Take away or abridge any protection or benefit given or to be enjoyed in relation thereto.

(2) Notwithstanding the repeal of the Order aforesaid, all rules and regulations approved or confirmed by or under such Order so repealed shall continue and be as if this Order had not been made; but so that the same may be revoked, altered, or otherwise dealt with under this Order, as if they had been made under this Order.

(3) Criminal or civil proceedings begun under the Order repealed by this Order, and pending at the time when this Order comes into operation, shall, from and after that time, be regulated by the provisions of this Order, as far as the nature and circumstances of each case admit.

93.—(1) A printed copy of this Order, and of all Rules of Procedure and other Rules for the time being in force under this Order, shall be kept open to inspection free of charge in the Office of the Political Agent and of each Court established under this Order.

(2) Printed copies thereof shall be sold in Qatar at such reasonable price as the Political Agent from time to time directs.

94. This Order shall be laid before Parliament and shall come into force on 12th April, 1949.

The Right Honourable Ernest Bevin, His Majesty's Principal Secretary of State for Foreign Affairs is to give the necessary instructions herein.

E. C. E. Leadbitter.

SCHEDULE

INDIAN ACTS APPLIED

- The Indian Penal Code, 1860 (Act XLV of 1860).
- The Indian Divorce Act, 1869 (Act IV of 1869), except so much as relates to divorce and nullity of marriage.
- The Bombay Civil Courts Act, 1869 (Act XIV of 1869), except sections 6, 15, 23, 32, 33, 34, 38 to 43 (both inclusive), the last clause of section 19, and the last two clauses of section 22.
- The Indian Court Fees Act, 1870 (Act VII of 1870).
- The Indian Evidence Act, 1872 (Act I of 1872).
- The Indian Contract Act, 1872 (Act IX of 1872).
- The Indian Christian Marriage Act, 1872 (Act XV of 1872).
- The Indian Oaths Act, 1873 (Act X of 1873).
- The Indian Majority Act, 1875 (Act IX of 1875).
- The Births, Deaths and Marriages Registration Act of 1886 (Act VI of 1886).
- The Provincial Small Cause Courts Act, 1887 (Act IX of 1887).
- The Prevention of Cruelty to Animals Act, 1890 (Act XI of 1890).



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The Code of Criminal Procedure, 1898 (Act V of 1898), except Chapter XXXIII.

So much of the Indian Post Office Act, 1898 (Act VI of 1898) as relates to offences against the Post Office.

The Code of Civil Procedure, 1908 (Act V of 1908).

The Indian Limitation Act, 1908 (Act IX of 1908), so far as it applies to appeals and applications.

The Whipping Act, 1909 (Act IV of 1909).

The Indian Lunacy Act, 1912 (Act IV of 1912).

The Indian Companies Act, 1913 (Act VII of 1913).

The Indian Merchant Shipping Act, 1923 (Act XXI of 1923), Part IV, except Sections 174 to 192, inclusive, and sub-section 3 of Section 213.

The Indian Succession Act, 1925 (Act XXXIX of 1925).

And the enactments relating to insolvency and bankruptcy in force in the Presidency of Bombay beyond the limits of the ordinary original jurisdiction of the High Court of Judicature of Bombay.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

1. This Order-in-Council relating to Qatar should be read with the Orders relating to Bahrein, Kuwait, Muscat and the Trucial States which were made at the same time as this Order.

2. In the territory of all these States, by agreement with their rulers, His Majesty exercises jurisdiction over certain persons and property. The extent of this jurisdiction varies slightly in the different States. This jurisdiction has been exercised under Order-in-Council made for each State or the Trucial States group under the Foreign Jurisdiction Act, 1890.

3. The Orders were *mutatis mutandis* the same for each State or group of States and have a certain unity arising from the fact that the Political Resident in the Persian Gulf is His Majesty's Principal Representative and is also the Chief Judge of the superior Court in each State or group of States.

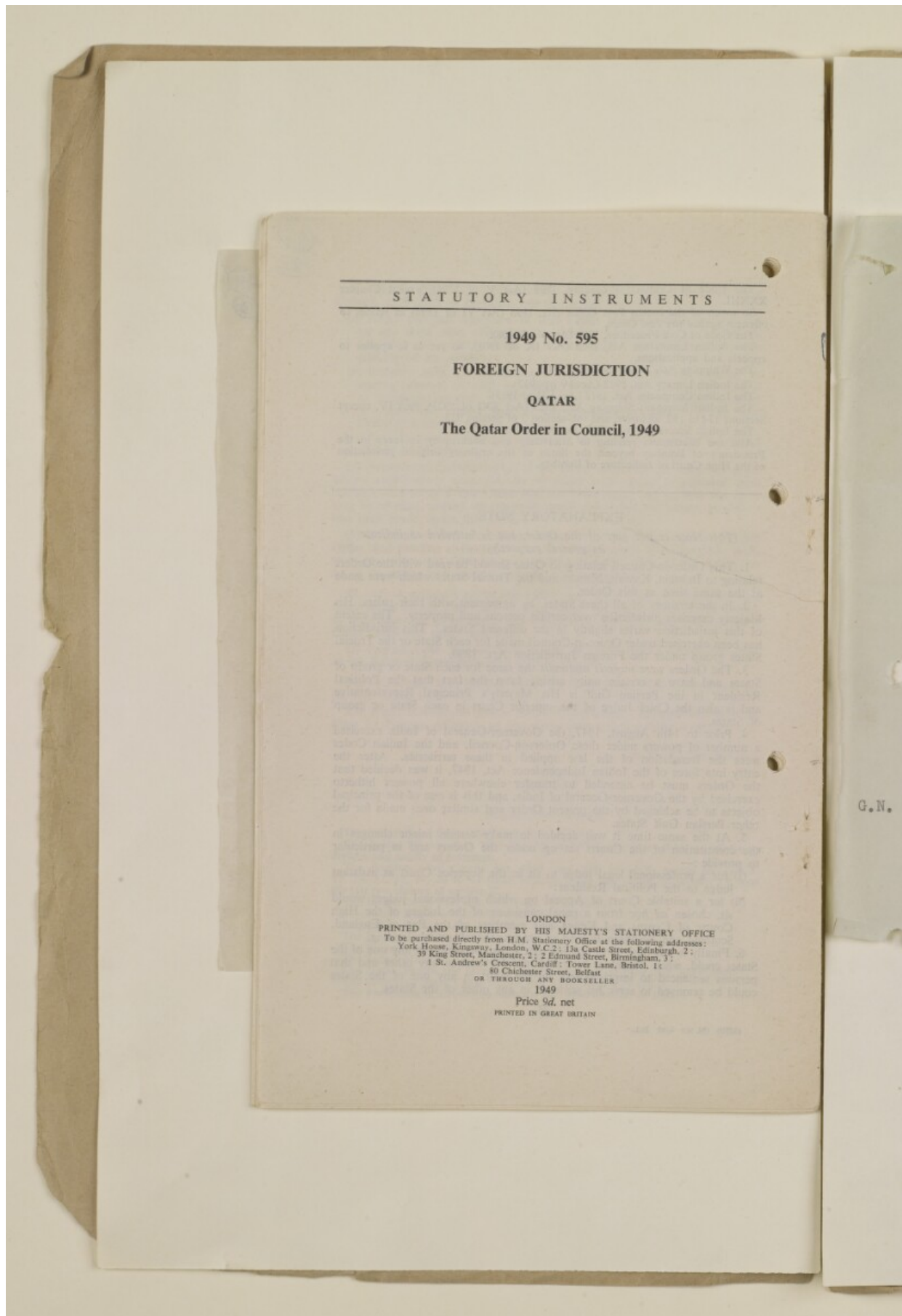
4. Prior to 14th August, 1947, the Governor-General of India exercised a number of powers under these Orders-in-Council, and the Indian Codes were the foundation of the law applied in these territories. After the entry into force of the Indian Independence Act, 1947, it was decided that the Orders must be amended to transfer elsewhere all powers hitherto exercised by the Governor-General of India, and this is one of the principal objects to be achieved by the present Order and similar ones made for the other Persian Gulf States.

5. At the same time it was decided to make certain minor changes in the constitution of the Courts set up under the Orders and in particular to provide :—

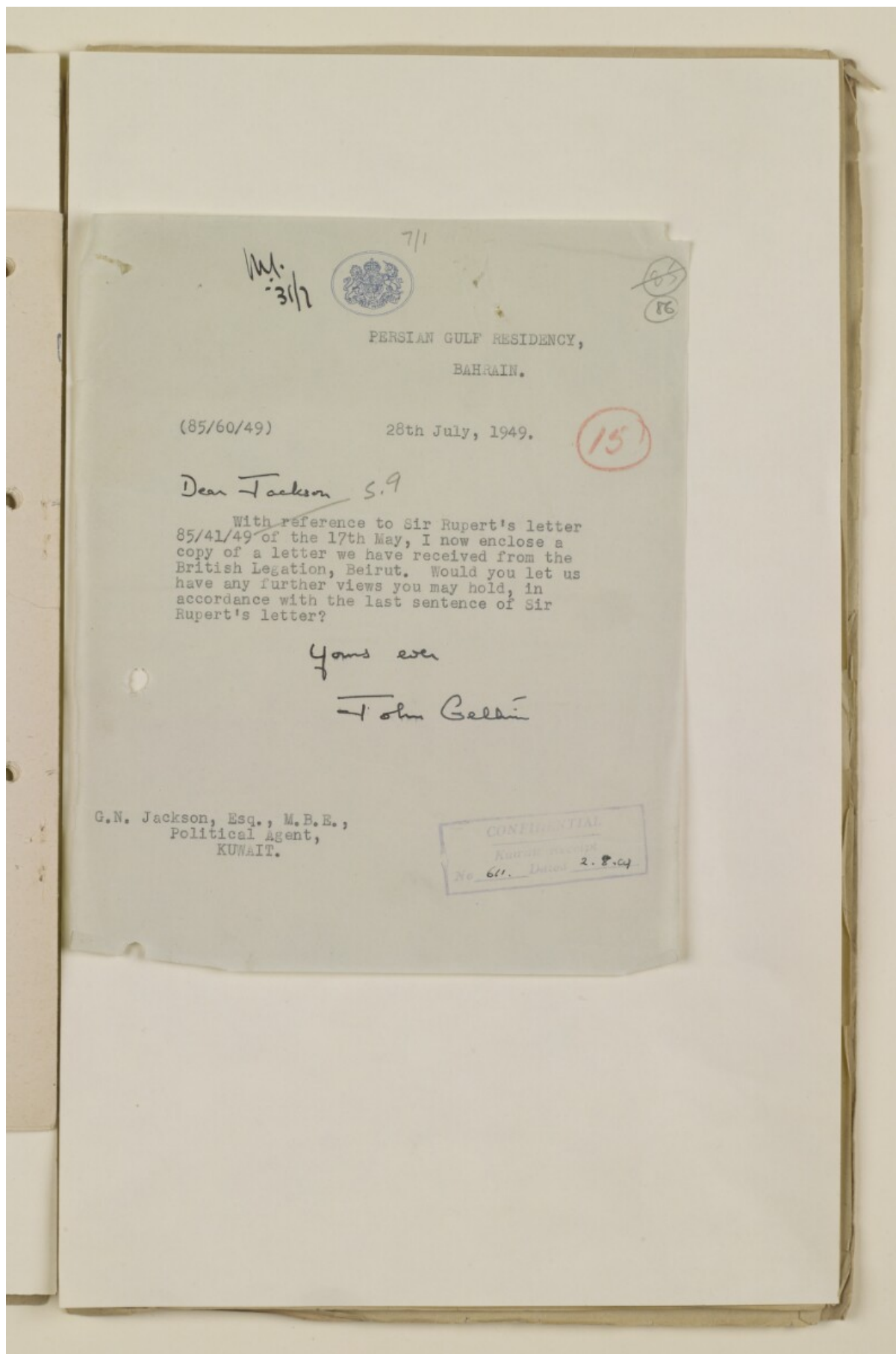
(i) for a professional legal judge to sit in the Superior Court as assistant judge to the Political Resident:

(ii) for a suitable Court of Appeal on which professional judges would sit, chosen *ad hoc* from a panel consisting of the Judges of the High Courts of Cyprus and Kenya and members of the Bar of England, Scotland and Northern Ireland of not less than 9 years' standing.

6. Finally it was desired to provide that a case occurring in any one of the States could, when desirable, be transferred for trial in any other and that persons sentenced to imprisonment by the court in any one of the States could be removed to serve his sentence in any other of the States.

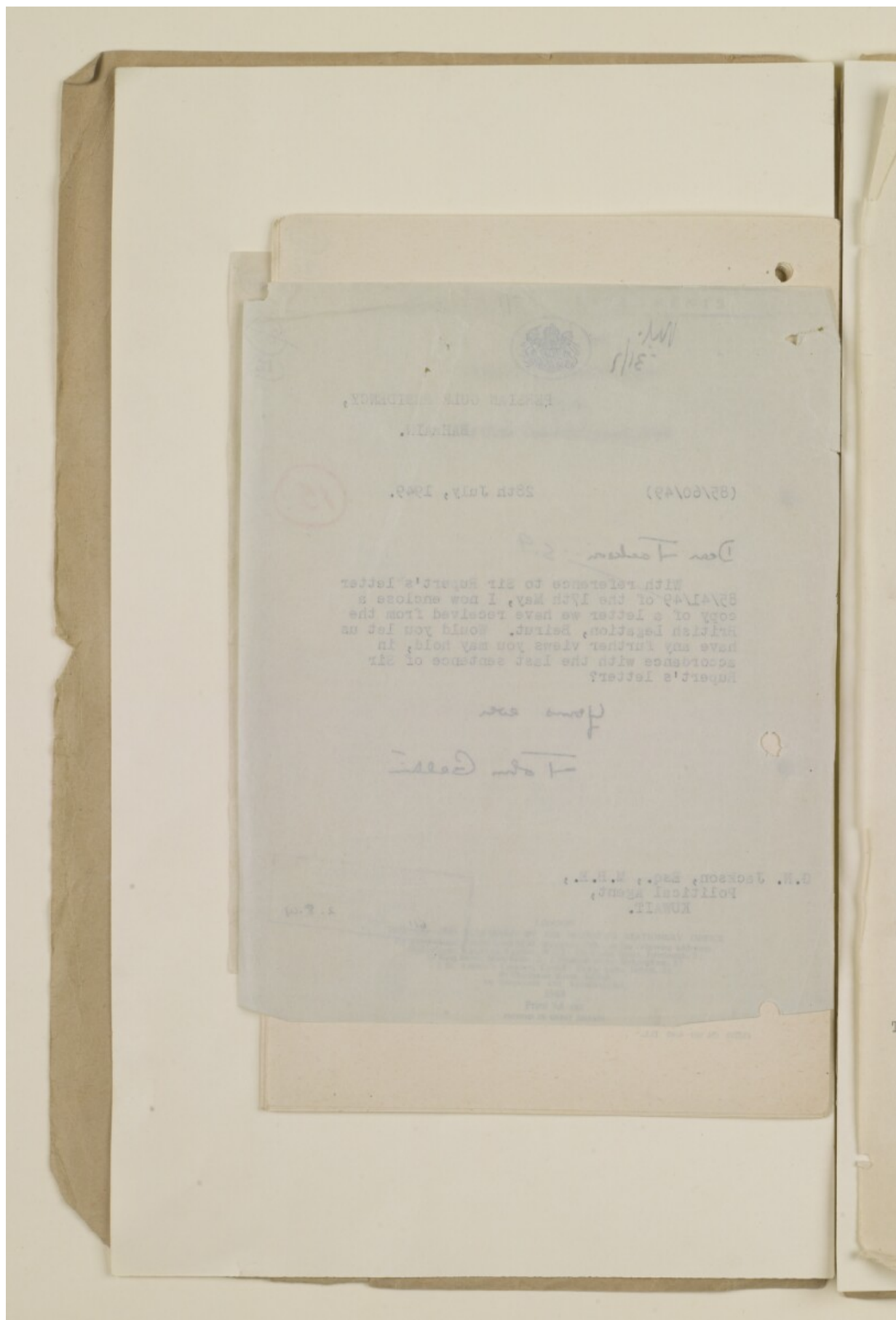


G.N.





'File 7/1 IV General correspondence regarding Kuwait Order in Council (1949) and King's Regulations made under the Kuwait Order in Council' [86v] (172/240)





BRITISH LEGATION,

BEIRUT.

133/8/49.

11th July, 1949.

Dear Residency,

Please refer to your letter 85/42/49 of May 17th about jurisdiction in Kuwait over foreigners who are not nationals of a Muslim State.

The Lebanon cannot be considered a Muslim State. There is no State religion and no religious community has an absolute majority over the others. The national life of the country is organised on a rough approximation to the size of each of the religious communities thus, the President is a Maronite, the Prime Minister a Sunni Muslim, the President of the Chamber of Deputies is a Shia Muslim and the remaining members of the Cabinet consist of two Maronites, one Sunni, one Shia, one Greek Orthodox, one Greek Catholic, and one Druze. We enclose a list giving the approximate numbers of each of the main religious sects.

The Law Courts are run on a national basis without regard to the religious aspect, except that matters of personal status fall within the jurisdiction of the Courts of the various religious communities. This is of course a legacy of the Ottoman Empire.

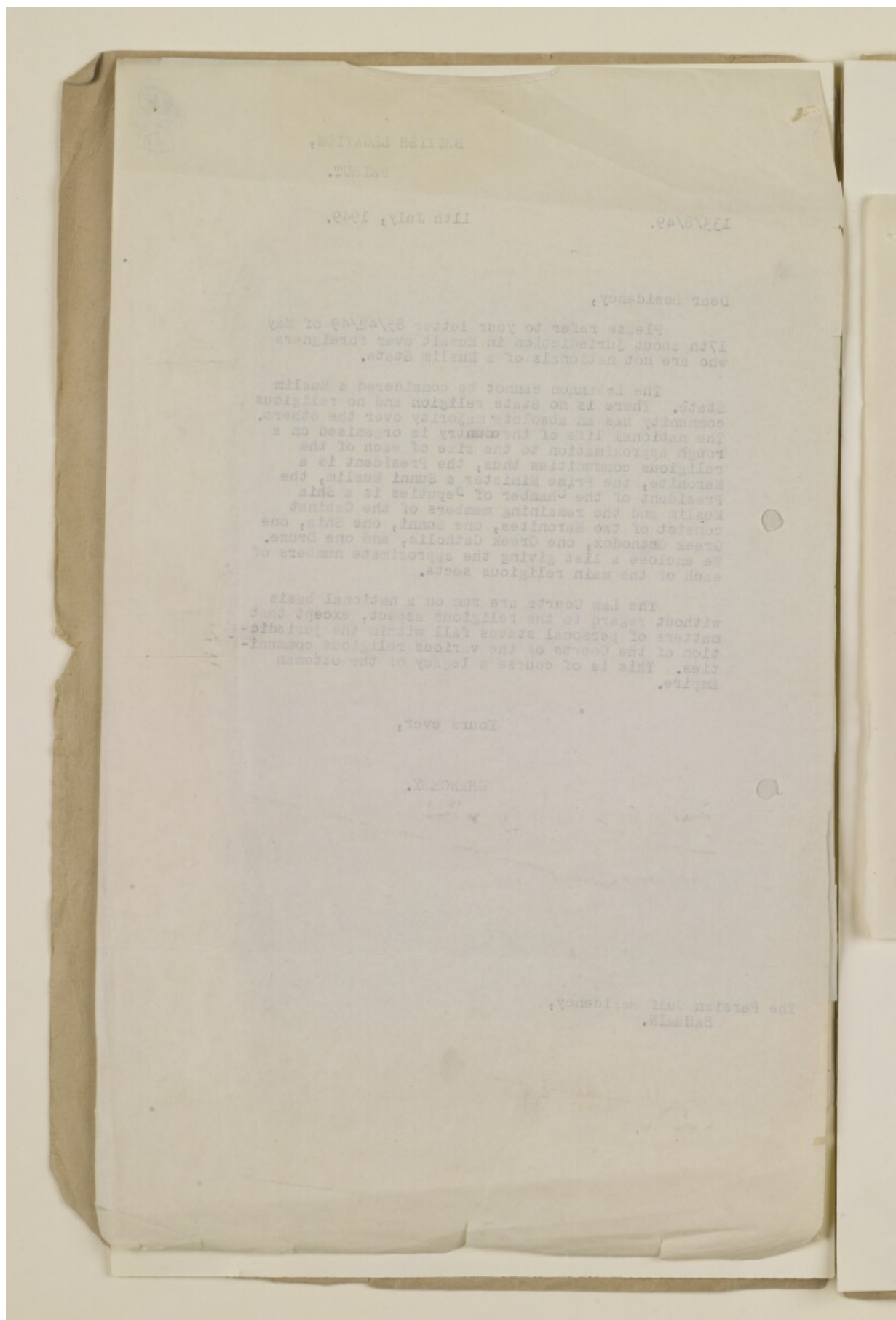
Yours ever,

CHANCERY.

The Persian Gulf Residency,
BAHRAIN.



'File 7/1 IV General correspondence regarding Kuwait Order in Council (1949) and King's Regulations made under the Kuwait Order in Council' [87v] (174/240)





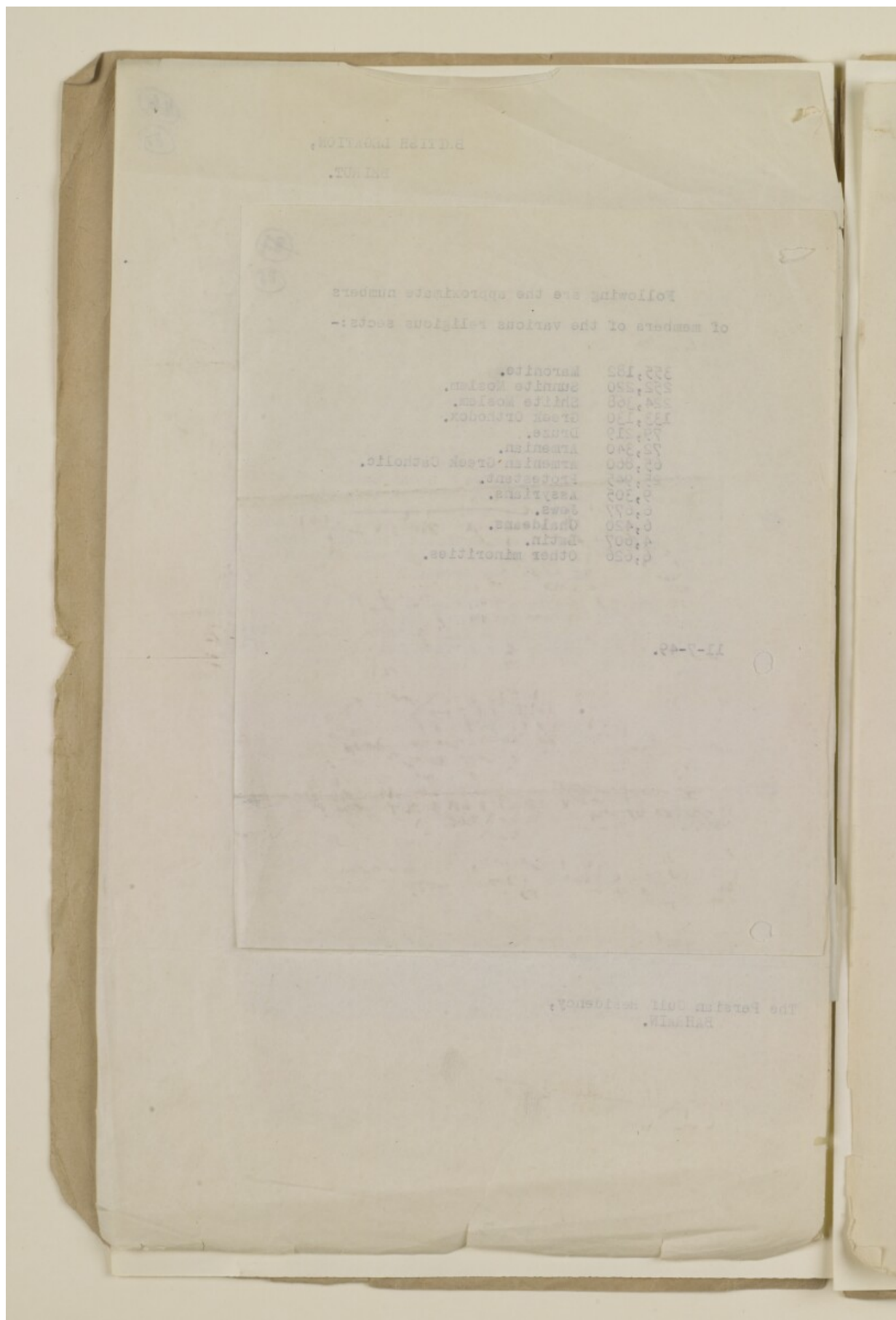
Following are the approximate numbers
of members of the various religious sects:-

355,182	Maronite.
252,220	Sunnite Moslem.
224,368	Shiite Moslem.
133,130	Greek Orthodox.
79,219	Druze.
72,340	Armenian.
65,860	Armenian Greek Catholic.
25,945	Protestant.
9,305	Assyrians.
6,677	Jews.
6,420	Chaldeans.
4,607	Latin.
6,626	Other minorities.

11-7-49.



'File 7/1 IV General correspondence regarding Kuwait Order in Council (1949) and King's Regulations made under the Kuwait Order in Council' [88v] (176/240)





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No. C/231 (7/1)

The Political Agency,
Kuwait,

17/IX September, 1949.

x
Case No. 20
of 1949

Recently I received a request from one of the Kuwait Tribunals passed to me officially through the Kuwait Government for assistance in a case sub-judice before the Kuwait Tribunal. The case was a claim for settlement of accounts by a Kuwait subject against a firm of contractors registered in Iraq of which the senior partner was an Iraqi and the junior partner was a European British subject. The Court of the Political Agent was requested by the Kuwait Tribunal to prevent the Kuwait Oil Company from making certain payments believed to be due to the defendant firm until the case had been decided by the Kuwait Tribunal.

2. The case, which has since been settled politically, brought to light a lacuna in the Kuwait Order in Council.

3. In Article 4 of the Kuwait Order in Council the definitions of 'British subject' and of 'Foreigner' include corporations as well as individuals. The definition of 'Kuwait subject', however, does not include corporations; but it appears to me that in this case, as the British defendant was a partner in a firm registered as such in Iraq and was being sued with his Iraqi partner in their corporate capacity as a firm, the firm was rightly regarded by the Kuwait Tribunal as subject to their jurisdiction. I should be grateful if this could be confirmed.

4. Perhaps you would also consider taking up the further definition of 'Kuwait subject' when the question of amendments to the Kuwait Order in Council is next considered.

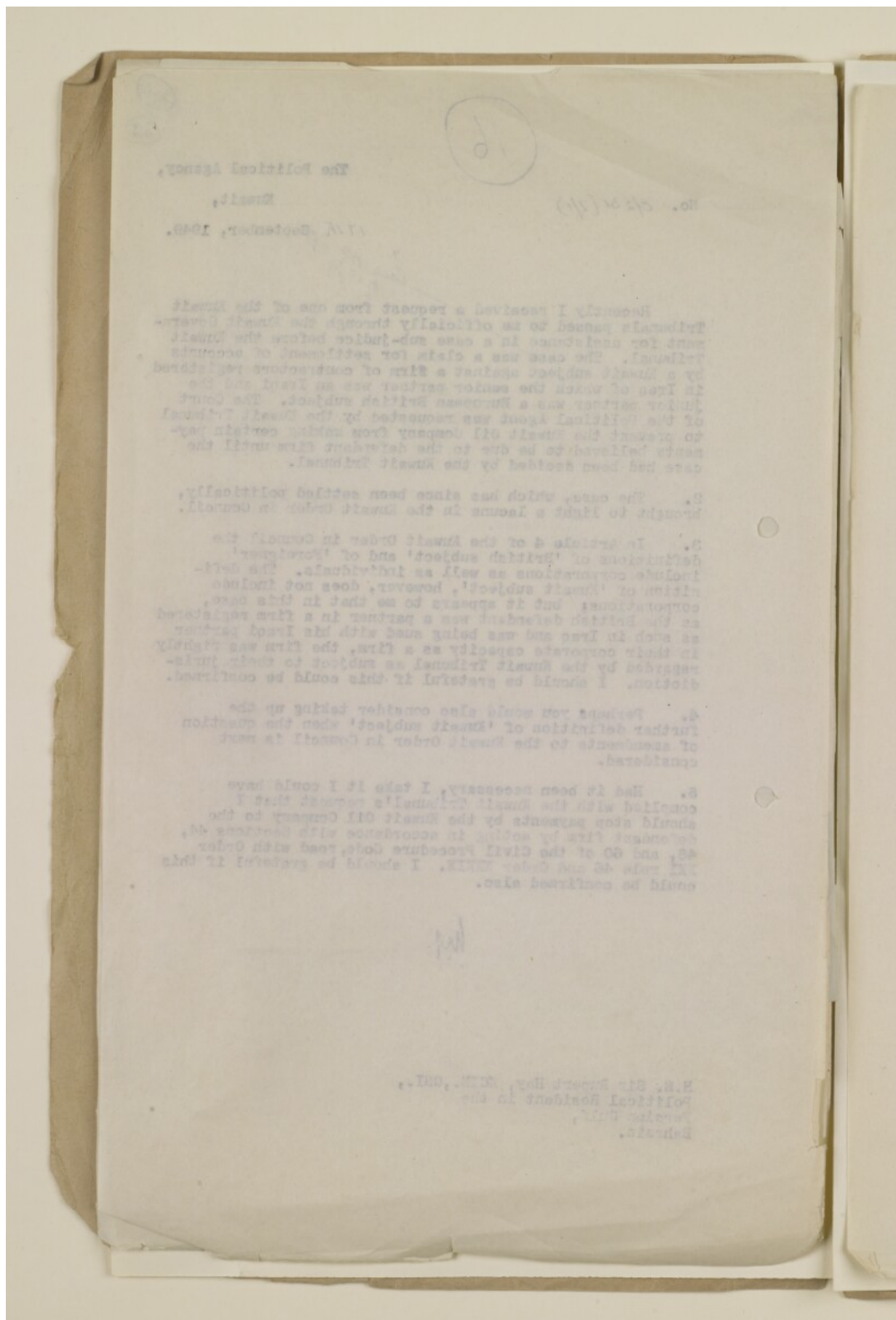
5. Had it been necessary, I take it I could have complied with the Kuwait Tribunal's request that I should stop payments by the Kuwait Oil Company to the defendant firm by acting in accordance with Sections 44, 46, and 60 of the Civil Procedure Code, read with Order XXI rule 46 and Order XXXIX. I should be grateful if this could be confirmed also.

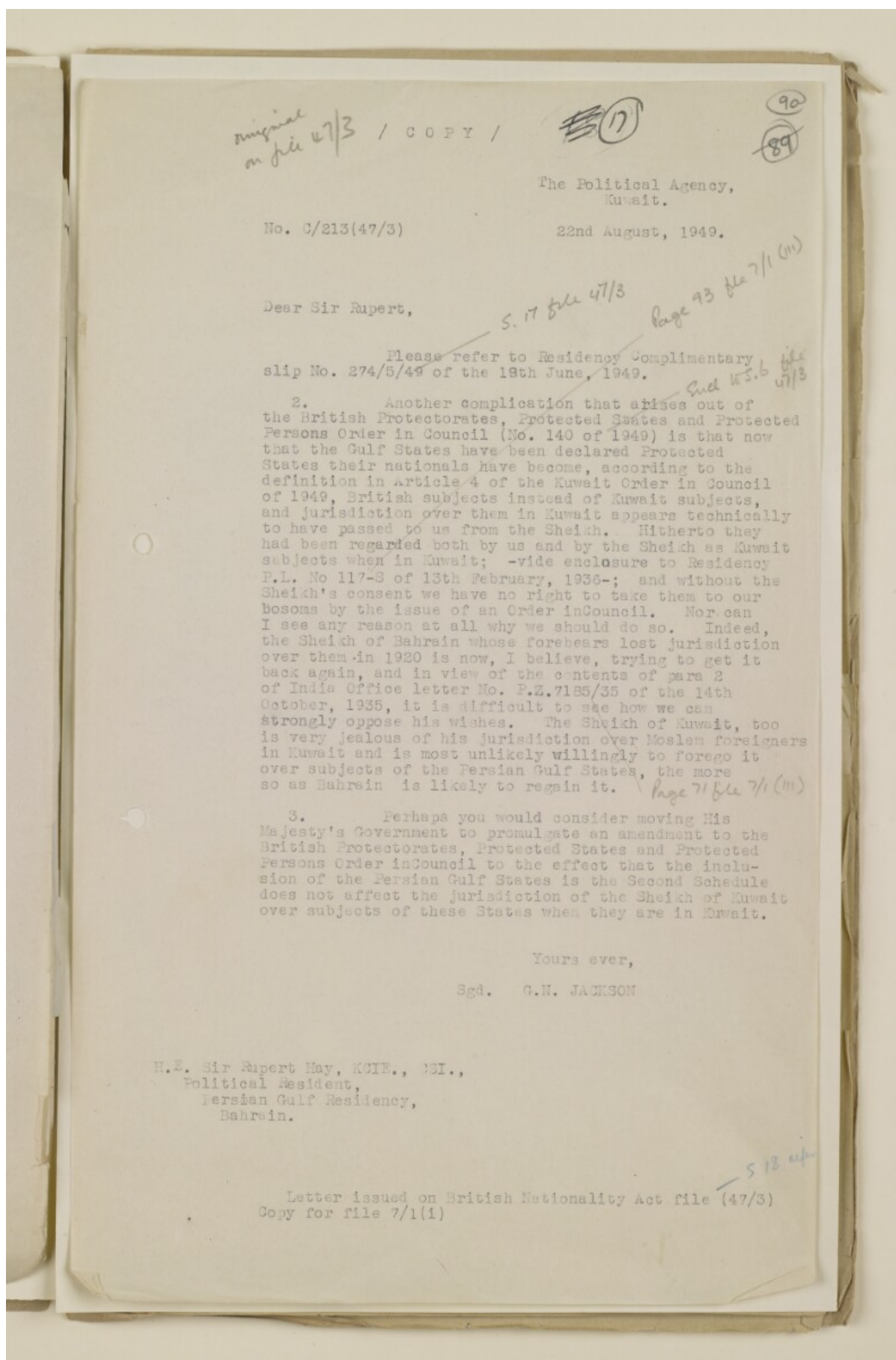
W.P.

H.E. Sir Rupert Hay, KCIE., CSI.,
Political Resident in the
Persian Gulf,
Bahrain.



'File 7/1 IV General correspondence regarding Kuwait Order in Council (1949) and King's Regulations made under the Kuwait Order in Council' [89v] (178/240)





original
on file 47/3 / COPY /

The Political Agency,
Kuwait.

No. C/213(47/3)

22nd August, 1949.

Dear Sir Rupert,

Please refer to Residency Complimentary
slip No. 274/5/49 of the 18th June, 1949.

2. Another complication that arises out of the British Protectorates, Protected States and Protected Persons Order in Council (No. 140 of 1949) is that now that the Gulf States have been declared Protected States their nationals have become, according to the definition in Article 4 of the Kuwait Order in Council of 1949, British subjects instead of Kuwait subjects, and jurisdiction over them in Kuwait appears technically to have passed to us from the Sheikh. Hitherto they had been regarded both by us and by the Sheikh as Kuwait subjects when in Kuwait; -vide enclosure to Residency P.L. No 117-S of 13th February, 1936-; and without the Sheikh's consent we have no right to take them to our bosoms by the issue of an Order in Council. Nor can I see any reason at all why we should do so. Indeed, the Sheikh of Bahrain whose forebears lost jurisdiction over them in 1920 is now, I believe, trying to get it back again, and in view of the contents of para 2 of India Office letter No. P.Z.7185/35 of the 14th October, 1935, it is difficult to see how we can strongly oppose his wishes. The Sheikh of Kuwait, too is very jealous of his jurisdiction over Moslem foreigners in Kuwait and is most unlikely willingly to forego it over subjects of the Persian Gulf States, the more so as Bahrain is likely to regain it.

3. Perhaps you would consider moving His Majesty's Government to promulgate an amendment to the British Protectorates, Protected States and Protected Persons Order in Council to the effect that the inclusion of the Persian Gulf States in the Second Schedule does not affect the jurisdiction of the Sheikh of Kuwait over subjects of these States when they are in Kuwait.

Yours ever,

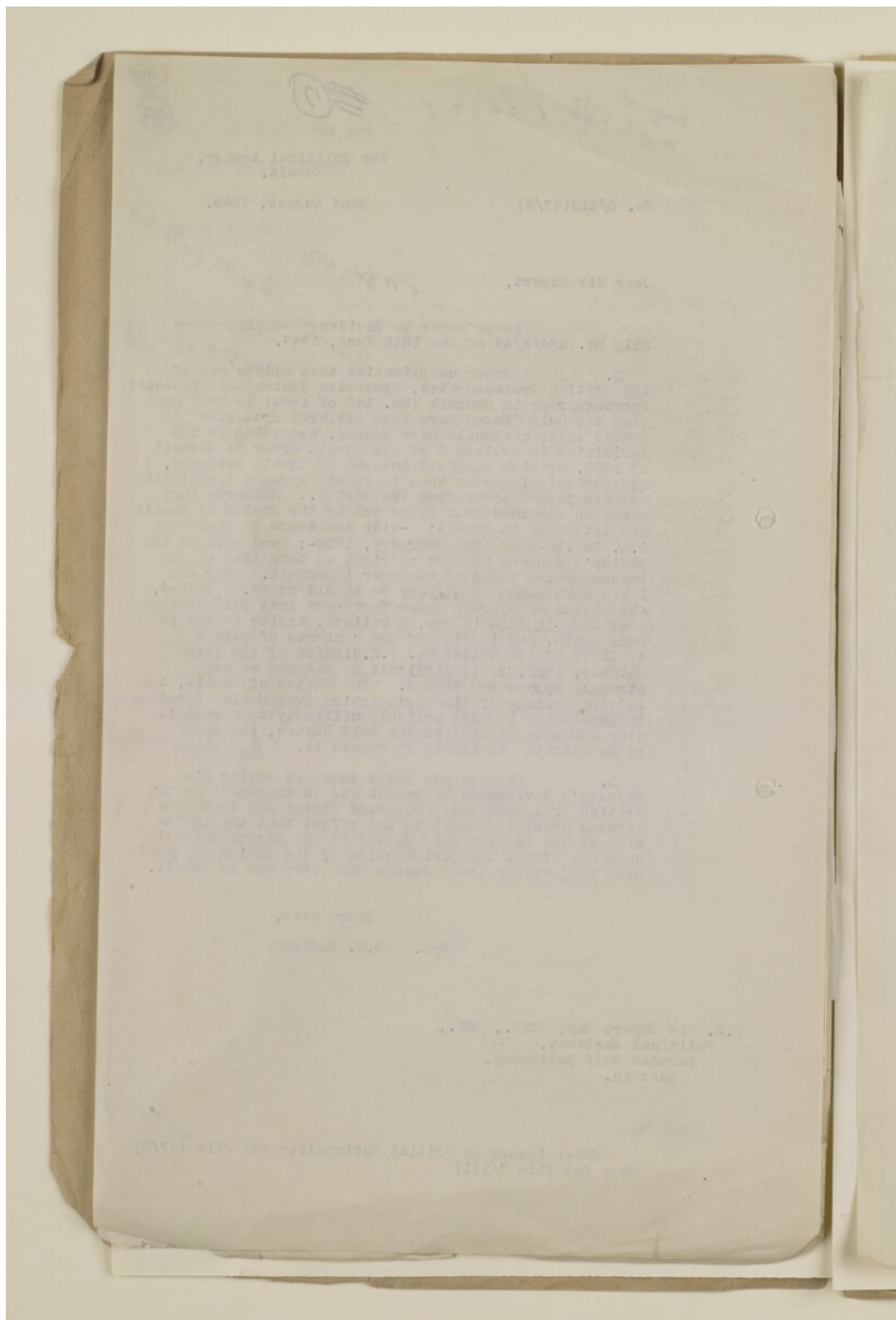
Sgd. G.N. JACKSON

H.E. Sir Rupert Hay, KCIE., CBI.,
Political Resident,
Persian Gulf Residency,
Bahrain.

Letter issued on British Nationality Act file (47/3)
Copy for file 7/1(i)



'File 7/1 IV General correspondence regarding Kuwait Order in Council (1949) and King's Regulations made under the Kuwait Order in Council' [90v] (180/240)





No.C/233 (7/1)

THE POLITICAL AGENCY,

KUWAIT,

18th September, 1949.

Please refer to Gethin's letter No.85/60/49 of the 28th July.

2. I have discussed with the Sheikh your suggestion that Lebanese Muslims in Kuwait should be subject to his jurisdiction and non-Muslims to ours. He was not at all in favour of the suggestion, holding - inaccurately I agree - that the Lebanon is a Muslim State; that - with more accuracy - it had hitherto been regarded as such in Kuwait; and that he would prefer that His Majesty's Government should leave jurisdiction over all Lebanese subjects to him.

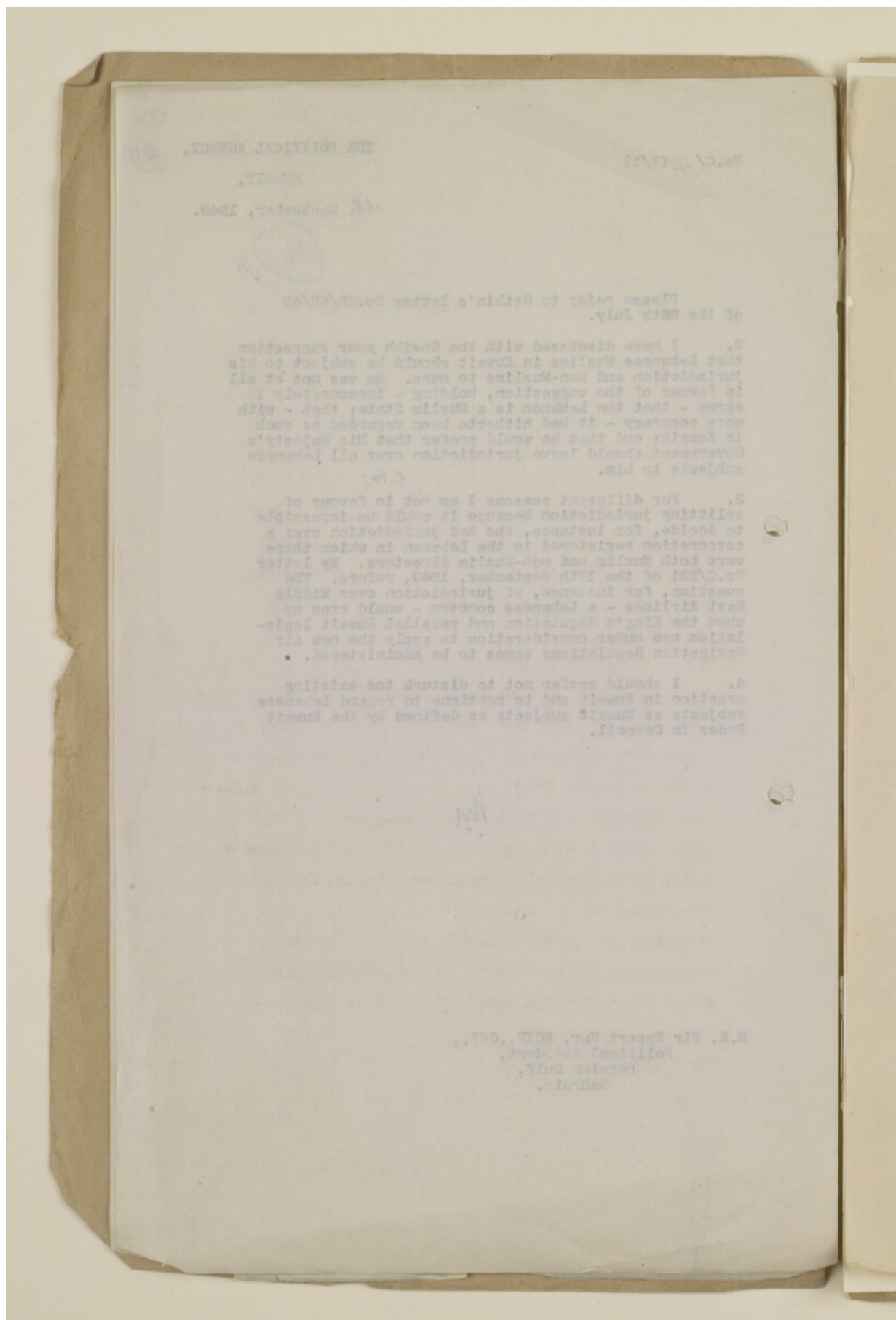
3. For different reasons I am not in favour of splitting jurisdiction because it would be impossible to decide, for instance, who had jurisdiction over a corporation registered in the Lebanon in which there were both Muslim and non-Muslim directors. My letter No.C/231 of the 17th September, 1949, refers. The question, for instance, of jurisdiction over Middle East Airlines - a Lebanese concern - would crop up when the King's Regulation and parallel Kuwait legislation now under consideration to apply the new Air Navigation Regulations comes to be administered. .

4. I should prefer not to disturb the existing practice in Kuwait and to continue to regard Lebanese subjects as Kuwait subjects as defined by the Kuwait Order in Council.

H.E. Sir Rupert Hay, KCIE., CSI.,
Political Resident,
Persian Gulf,
Bahrain.



'File 7/1 IV General correspondence regarding Kuwait Order in Council (1949) and King's Regulations made under the Kuwait Order in Council' [91v] (182/240)





No.188(7/1)

THE POLITICAL AGENCY,
KUWAIT,
18th September, 1949.

His Highness

Sheikh Sir Ahmed al Jabir
as Subah, KCSI., KCIE.,
Ruler of Kuwait.

After Compliments,

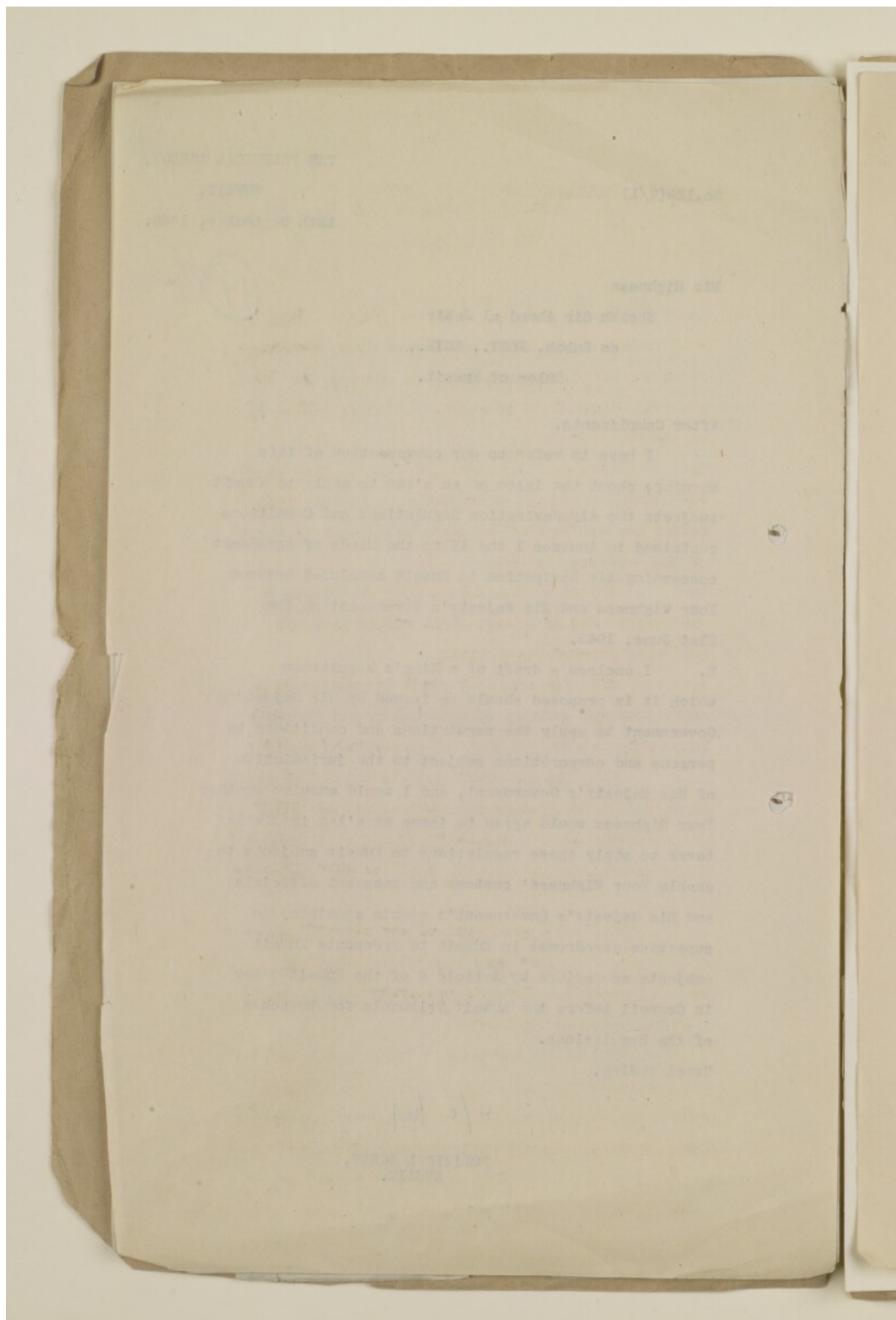
I have to refer to our conversation of this morning, about the issue of an a'lan to apply to Kuwait subjects the Air Navigation Regulations and Conditions contained in Annexes I and II to the Heads of Agreement concerning Air Navigation in Kuwait concluded between Your Highness and His Majesty's Government on the 21st June, 1949.

2. I enclose a draft of a King's Regulation which it is proposed should be issued by His Majesty's Government to apply the regulations and conditions to persons and corporations subject to the jurisdiction of His Majesty's Government, and I would enquire whether Your Highness would agree to issue an a'lan in similar terms to apply these regulations to Kuwait subjects to enable Your Highness' customs and passport officials and His Majesty's Government's agents appointed to supervise aerodromes in Kuwait to prosecute Kuwait subjects as defined by Article 4 of the Kuwait Order in Council before the Kuwait Tribunals for breaches of the Regulations.

Usual ending.

s/c h.w.

POLITICAL AGENT,
KUWAIT.

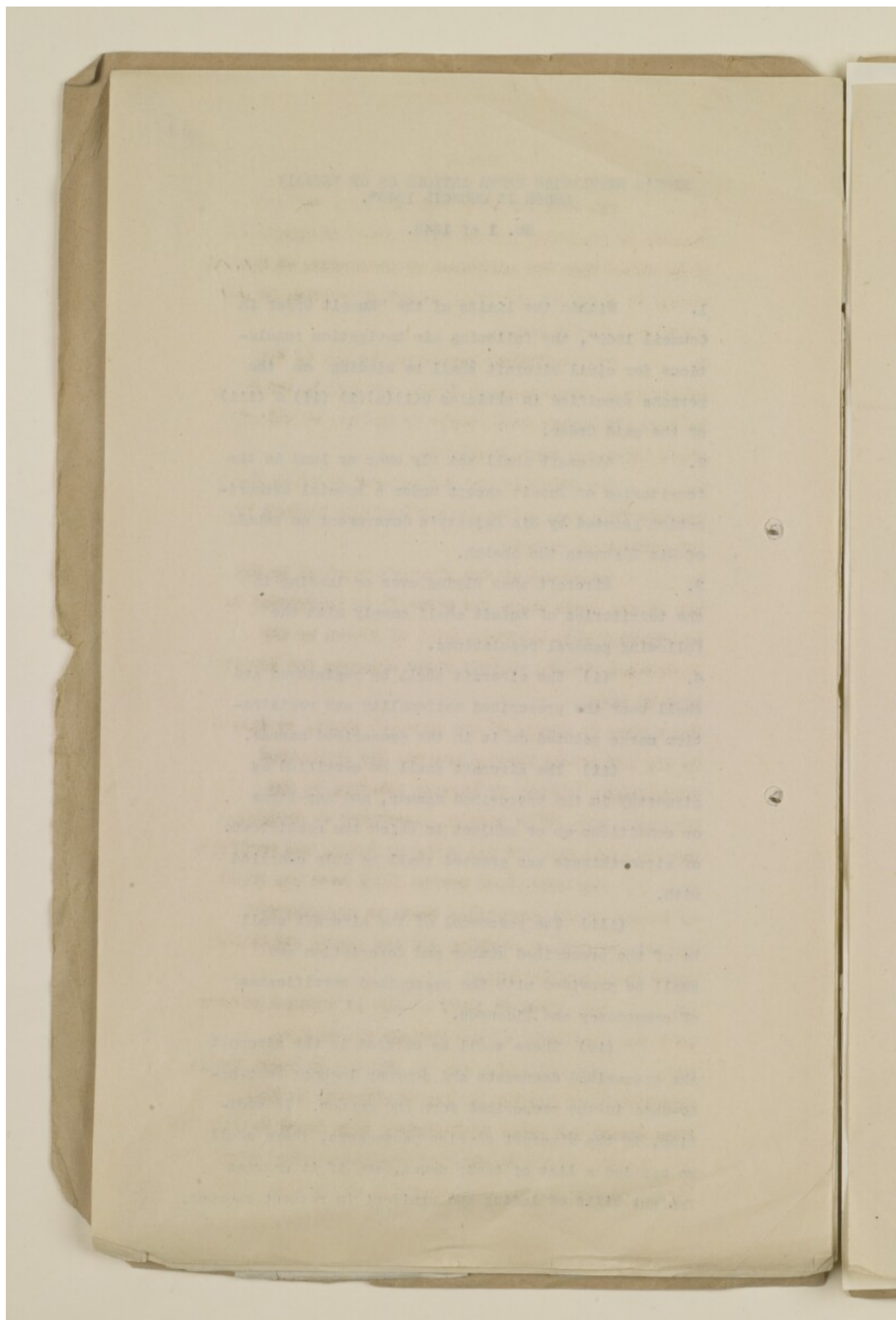




KING'S REGULATION UNDER ARTICLE 86 OF "KUWAIT
ORDER IN COUNCIL 1949".

No. 1 of 1949.

1. Within the limits of the "Kuwait Order in Council 1949", the following air navigation regulations for civil aircraft shall be binding on the persons specified in articles 8(1)(a)(1) (ii) & (iii) of the said Order.
2. Aircraft shall not fly over or land in the territories of Kuwait except under a special authorisation granted by His Majesty's Government on behalf of His Highness the Sheikh.
3. Aircraft when flying over or landing in the territories of Kuwait shall comply with the following general regulations.
4. (i) The aircraft shall be registered and shall bear the prescribed nationality and registration marks painted on it in the prescribed manner.
(ii) The aircraft shall be certified as airworthy in the prescribed manner, and any terms or conditions on or subject to which the certificate of airworthiness was granted shall be duly complied with.
(iii) The personnel of the aircraft shall be of the prescribed number and description and shall be provided with the prescribed certificates of competency and licences.
(iv) There shall be carried in the aircraft the prescribed documents and journey logbook kept-up-to-date in the prescribed form and manner. In addition, if the aircraft carries passengers, there shall be carried a list of their names, and if it carries freight bills of lading and manifest in respect thereof.





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5. The aircraft shall not use as a place of landing or departure in the territories of Kuwait any place other than the aerodrome or aerodromes at Kuwait, except in cases of accident, stress of weather or any other unavoidable cause.

6. The conditions governing the use of the aerodrome or aerodromes at Kuwait set out in the Annex to this Regulation shall apply in respect of all aircraft using any such aerodrome.

7. The aircraft and the persons on board shall conform with such orders as may lawfully be given by any authorised person.

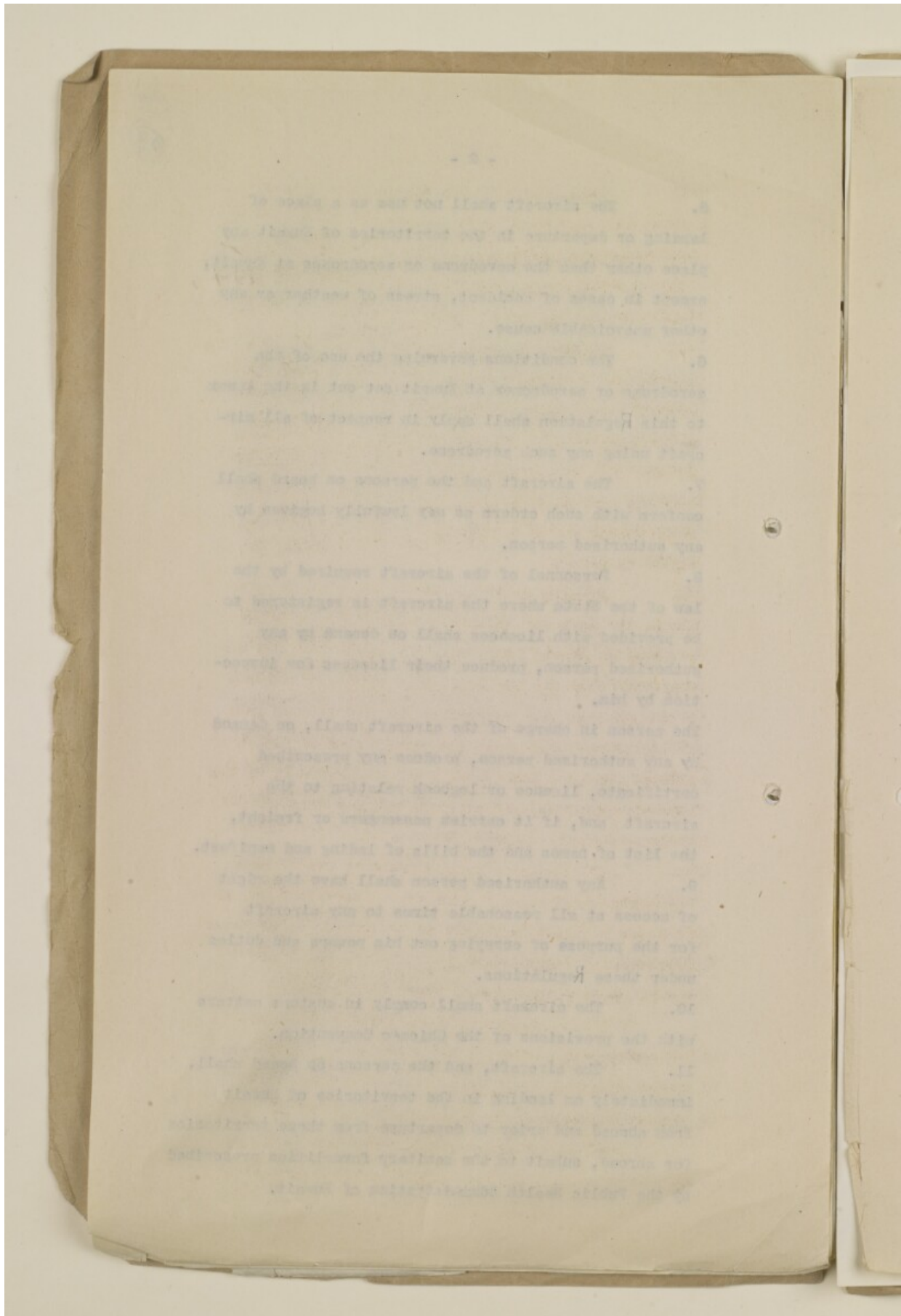
8. Personnel of the aircraft required by the law of the State where the aircraft is registered to be provided with licences shall on demand by any authorised person, produce their licences for inspection by him.

The person in charge of the aircraft shall, on demand by any authorised person, produce any prescribed certificate, licence or logbook relating to the aircraft and, if it carries passengers or freight, the list of names and the bills of lading and manifest.

9. Any authorised person shall have the right of access at all reasonable times to any aircraft for the purpose of carrying out his powers and duties under these Regulations.

10. The aircraft shall comply in customs matters with the provisions of the Chicago Convention.

11. The aircraft, and the persons on board shall, immediately on landing in the territories of Kuwait from abroad and prior to departure from those territories for abroad, submit to the sanitary formalities prescribed by the Public Health Administration of Kuwait.





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12. Prior notice of the time of the intended arrival of the aircraft from abroad at any Kuwait aerodrome and of departure of the aircraft for abroad from any Kuwait aerodrome shall be given to the Customs, Public Health and Police Administration.

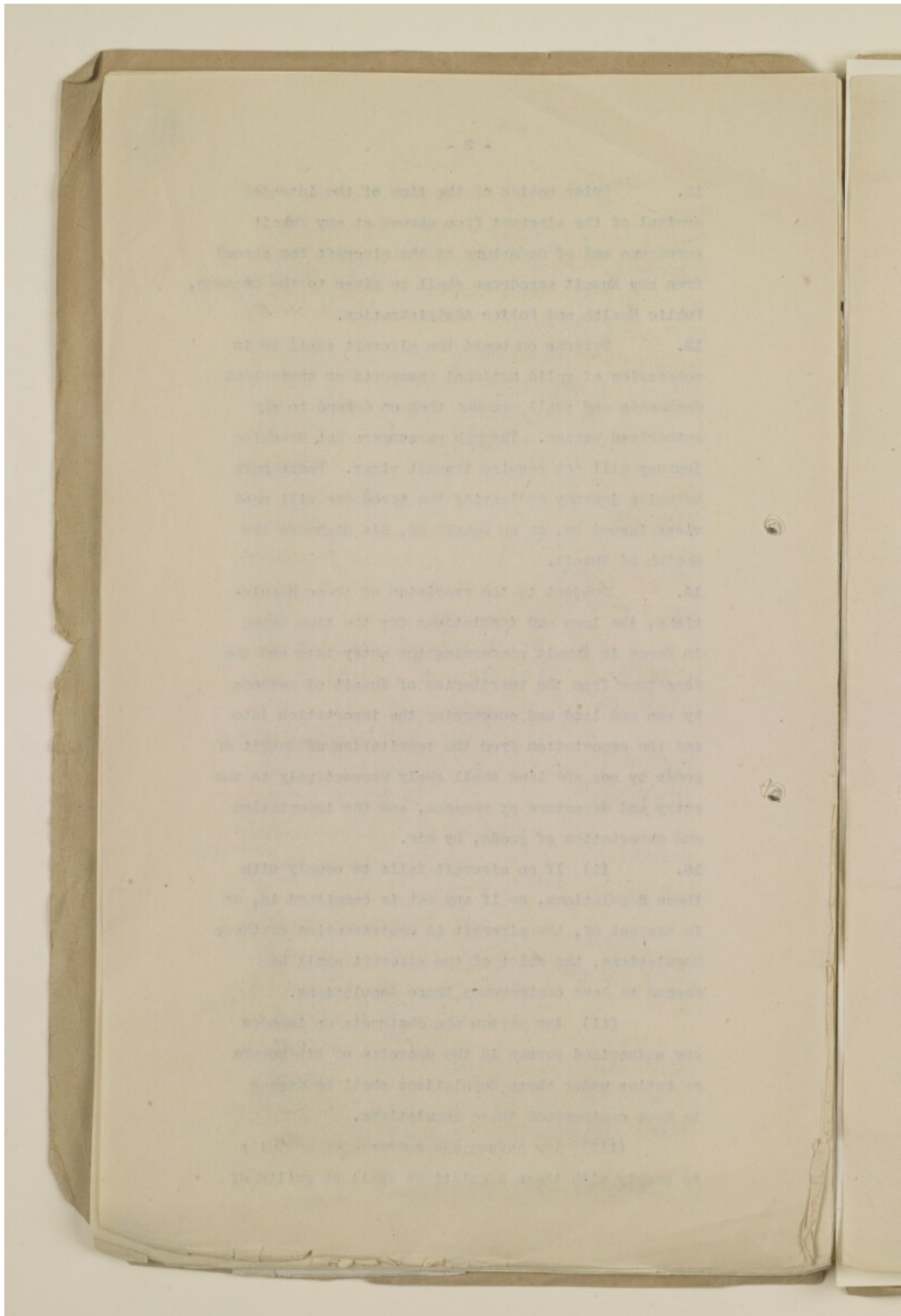
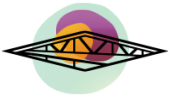
13. Persons on board the aircraft shall be in possession of valid national passports or equivalent documents and shall produce them on demand to any authorised person. Through passengers not breaking journey will not require transit visas. Passengers breaking journey or leaving the aerodrome will need visas issued by, or on behalf of, His Highness the Sheikh of Kuwait.

14. Subject to the provision of these Regulations, the laws and regulations for the time being in force in Kuwait concerning the entry into and the departure from the territories of Kuwait of persons by sea and land and concerning the importation into and the exportation from the territories of Kuwait of goods by sea and land shall apply respectively to the entry and departure of persons, and the importation and exportation of goods, by air.

15. (i) If an aircraft fails to comply with these Regulations, or if any act is committed in, or in respect of, the aircraft in contravention of these Regulations, the pilot of the aircraft shall be deemed to have contravened these Regulations.

(ii) Any person who obstructs or impedes any authorised person in the exercise of his powers or duties under these Regulations shall be deemed to have contravened these Regulations.

(iii) Any person who contravenes or fails to comply with these Regulations shall be guilty of





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an offence, and, without prejudice to any other or higher penalty which may be imposed in respect of the same act or omission under any other law or regulation, shall be liable, on conviction to imprisonment for a period not exceeding six months or to a fine not exceeding 1,500 rupees or to both such imprisonment and fine.

16. For the purpose of these Regulations

(a) "authorised person" means:

(i) the Quarantine Medical Officer and his assistants in respect of the Air Sanitary formalities;

(ii) the passport and customs officials of His Highness the Sheikh in respect of passports and customs regulations; and

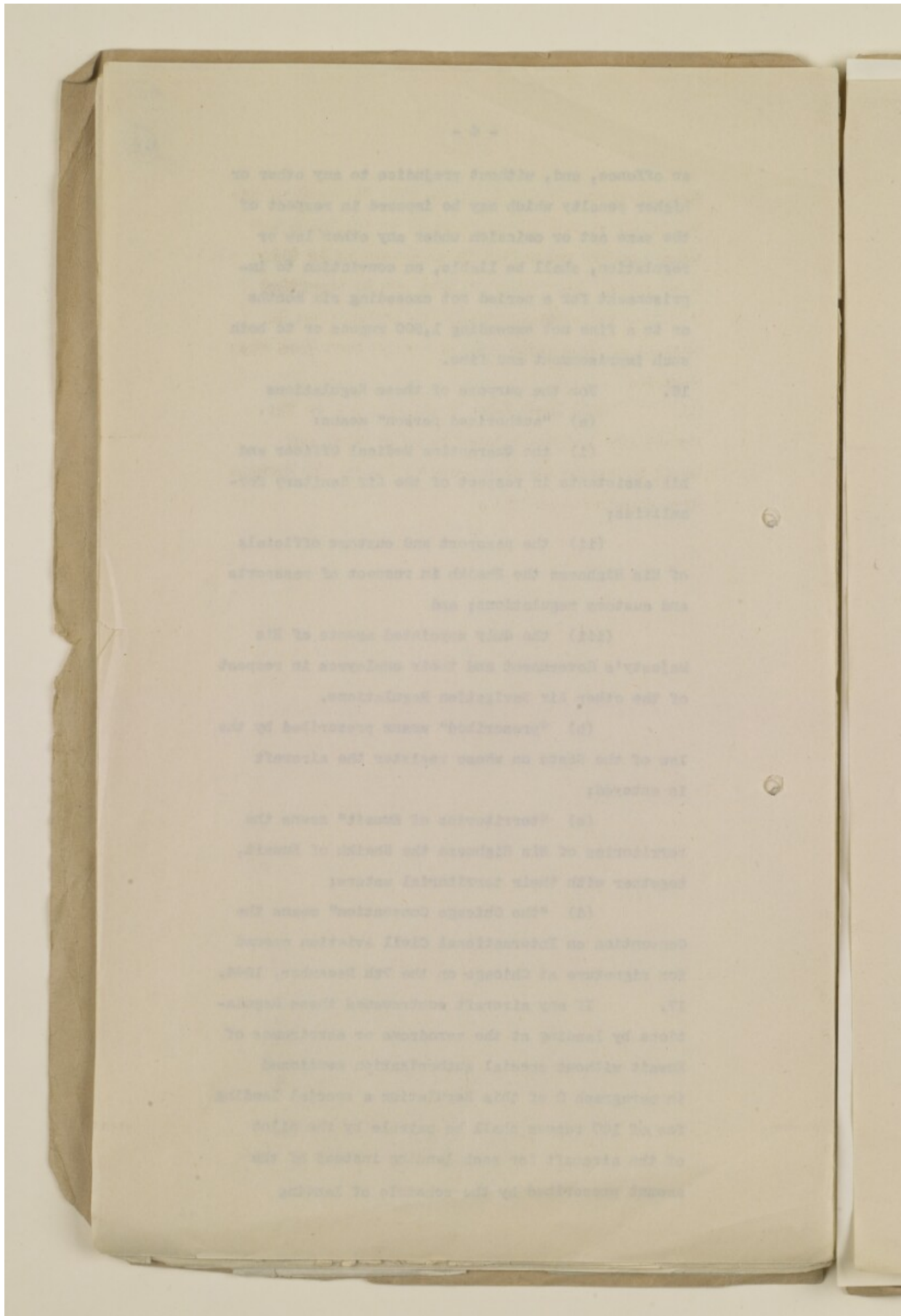
(iii) the duly appointed agents of His Majesty's Government and their employees in respect of the other Air Navigation Regulations.

(b) "prescribed" means prescribed by the law of the State on whose register the aircraft is entered;

(c) "territories of Kuwait" means the territories of His Highness the Sheikh of Kuwait, together with their territorial waters;

(d) "the Chicago Convention" means the Convention on International Civil Aviation opened for signature at Chicago on the 7th December, 1944.

17. If any aircraft contravenes these Regulations by landing at the aerodrome or aerodromes of Kuwait without special authorisation mentioned in paragraph 2 of this Regulation a special landing fee of 100 rupees shall be payable by the pilot of the aircraft for each landing instead of the amount prescribed by the schedule of landing



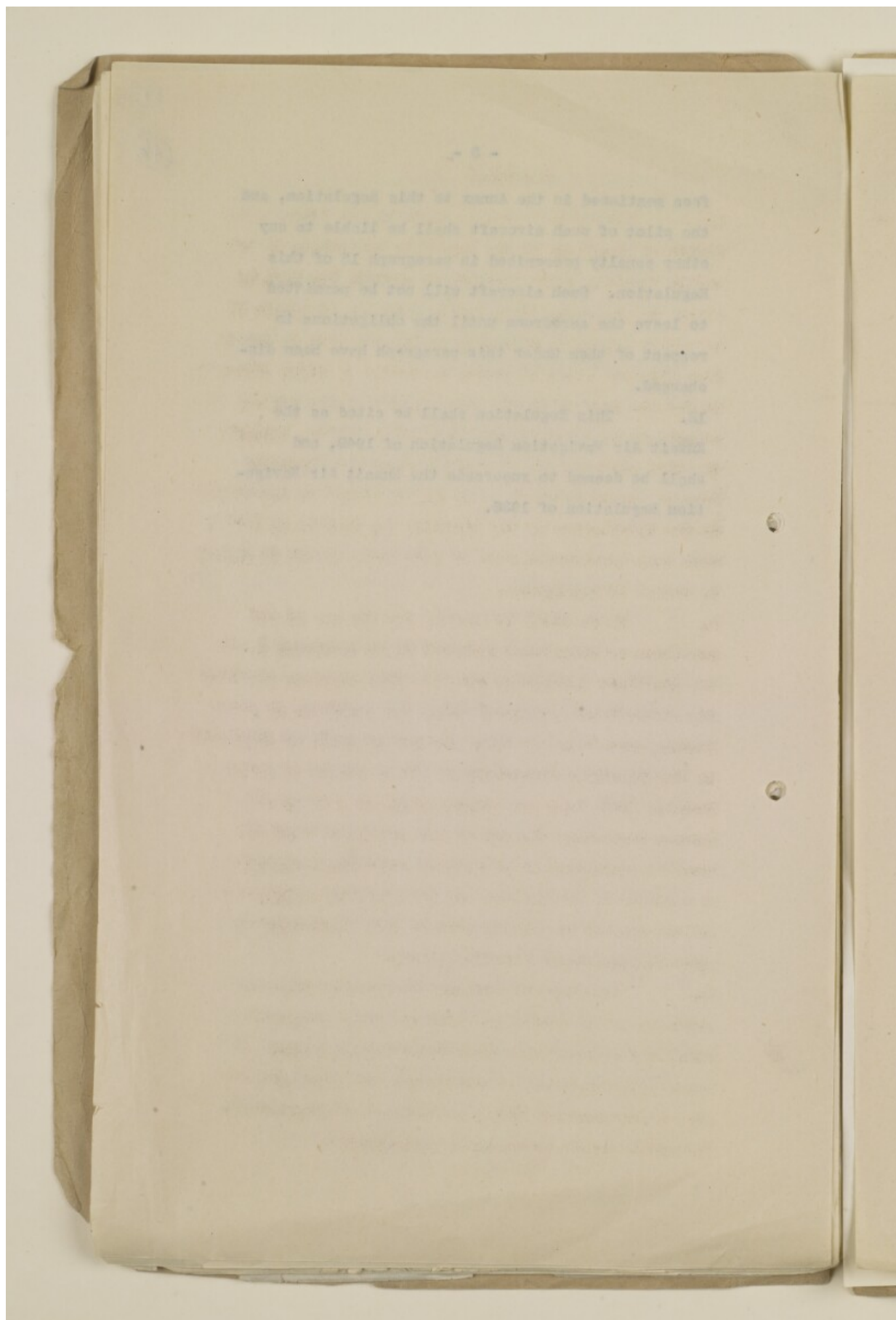


- 5 -

97
96

fees mentioned in the Annex to this Regulation, and the pilot of such aircraft shall be liable to any other penalty prescribed in paragraph 15 of this Regulation. Such aircraft will not be permitted to leave the aerodrome until the obligations in respect of them under this paragraph have been discharged.

18. This Regulation shall be cited as the Kuwait Air Navigation Regulation of 1949, and shall be deemed to supersede the Kuwait Air Navigation Regulation of 1936.



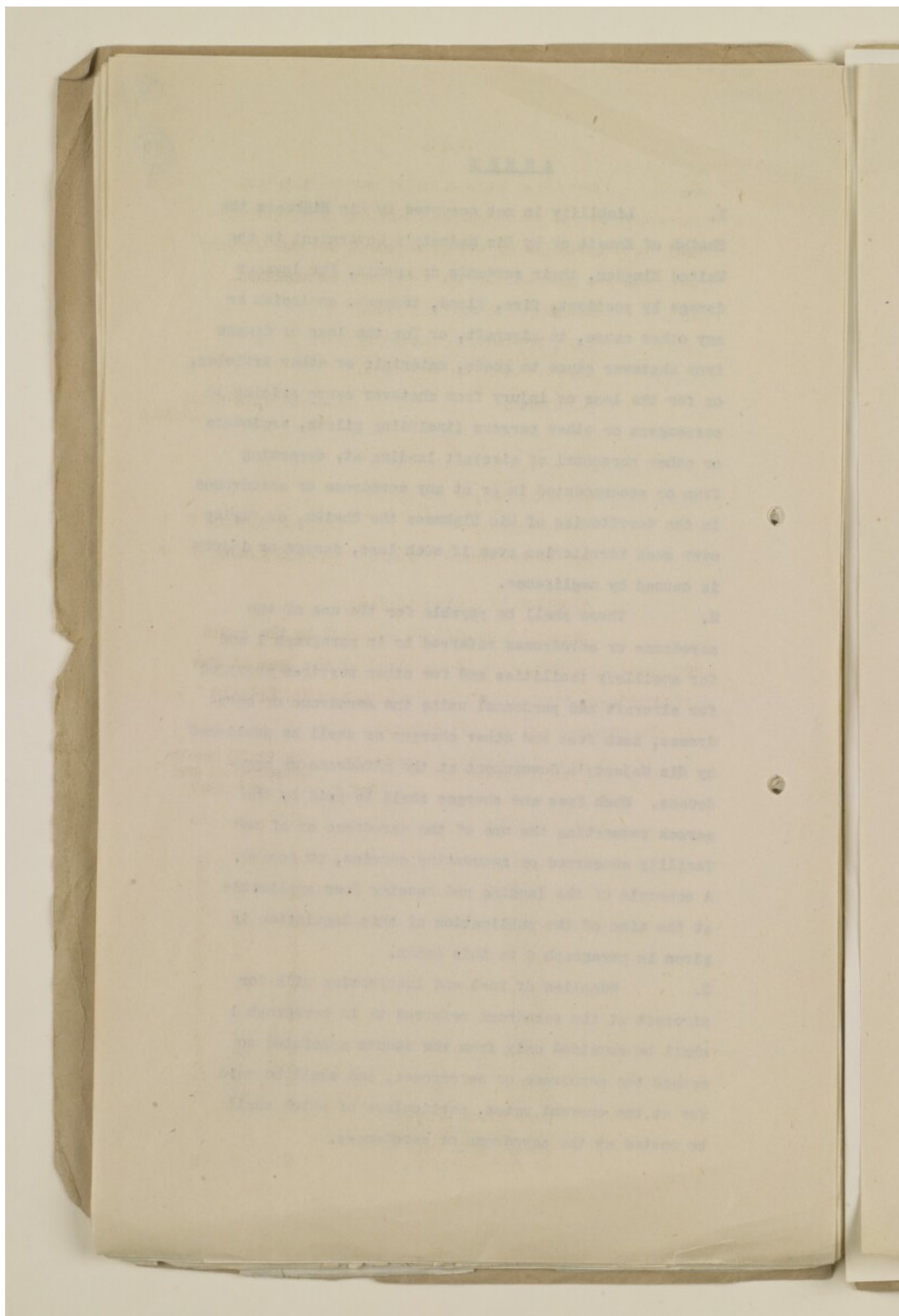
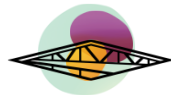


ANNEX

1. Liability is not accepted by His Highness the Sheikh of Kuwait or by His Majesty's Government in the United Kingdom, their servants or agents, for loss or damage by accident, fire, flood, tempest, explosion or any other cause, to aircraft, or for the loss or damage from whatever cause to goods, materials or other articles, or for the loss or injury from whatever cause arising to passengers or other persons (including pilots, engineers or other personnel of aircraft landing at, departing from or accommodated in or at any aerodrome or aerodromes in the territories of His Highness the Sheikh, or flying over such territories even if such loss, damage or injury is caused by negligence.

2. There shall be payable for the use of the aerodrome or aerodromes referred to in paragraph 1 and for ancillary facilities and for other services provided for aircraft and personnel using the aerodrome or aerodromes, such fees and other charges as shall be published by His Majesty's Government at the aerodrome or aerodromes. Such fees and charges shall be paid by the person requesting the use of the aerodrome or of the facility concerned or requesting service, on demand. A schedule of the landing and housing fees applicable at the time of the publication of this Regulation is given in paragraph 5 to this Annex.

3. Supplies of fuel and lubricating oils for aircraft at the aerodrome referred to in paragraph 1 shall be obtained only from the agents appointed to manage the aerodrome or aerodromes, and shall be paid for at the current rates, particulars of which shall be posted at the aerodrome or aerodromes.





- 2 -

4. Any other service which may be required for which no fee or charge is published as aforesaid will be a matter for direct arrangement between whoever requires the service and the aerodrome authorities.

5. SCHEDULE 1 - Landing Fees.

For aircraft not exceeding 20,000 lbs. maximum permissible weight as authorised by the certificate of airworthiness£ 0.5.0d. per landing

For twin-engined aircraft of weight in excess of 20,000 lbs. maximum permissible weight as authorised by the certificate of airworthiness£ 0.10.0d " "

For four-engined aircraft£ 1.0.0d " "

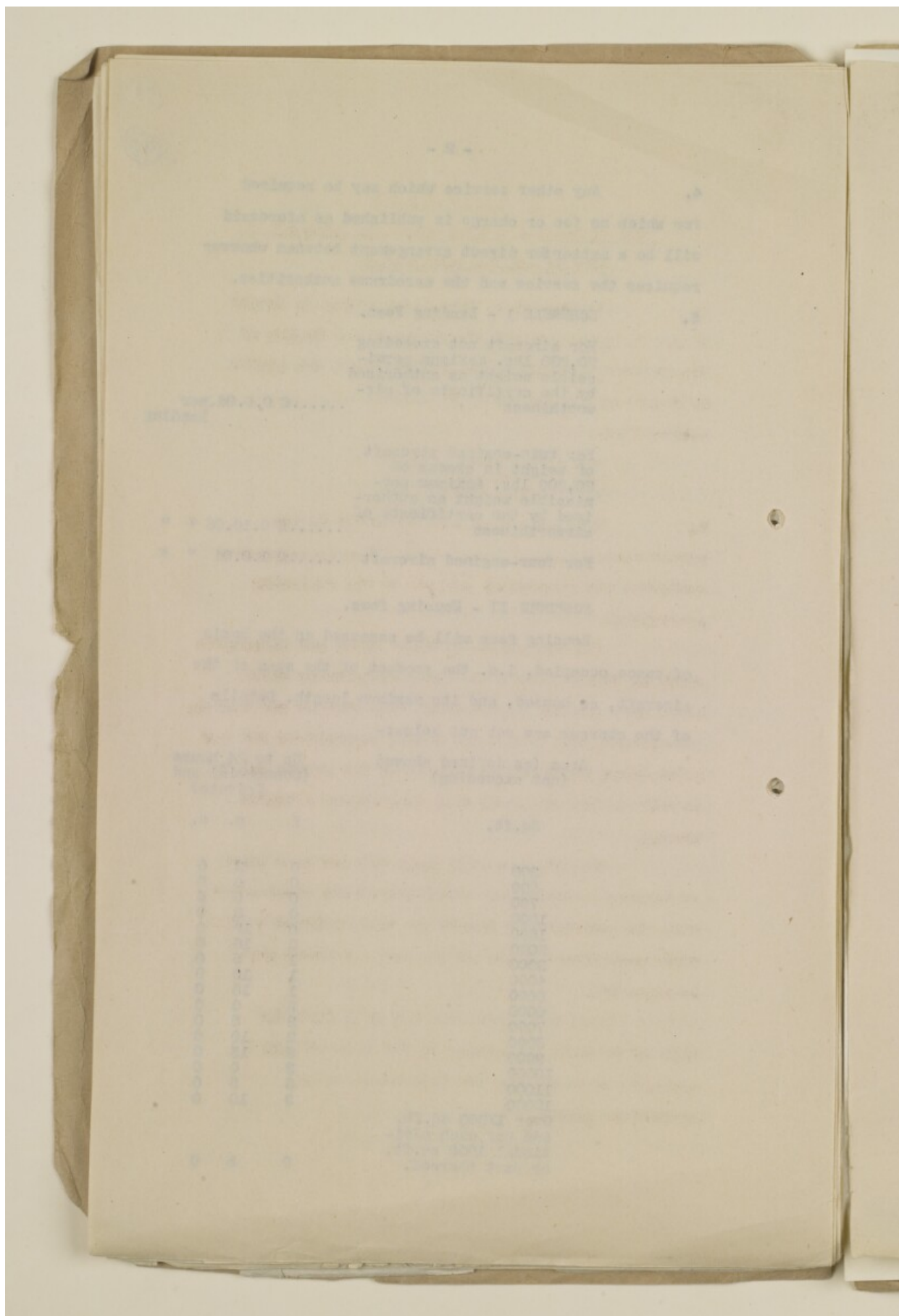
SCHEDULE II - Housing fees.

Housing fees will be assessed on the basis of space occupied, i.e. the product of the span of the aircraft, as housed, and its maximum length. Details of the charges are set out below:-

Area (as defined above) (not exceeding)	Up to 24 hours (Commercial and Private)		
Sq.ft.	£	s.	d.
300	0	2	6
500	0	4	0
700	0	5	6
1000	0	8	0
1500	0	12	0
2000	0	16	0
3000	1	5	0
4000	1	10	0
5000	1	15	0
6000	2	0	0
7000	2	5	0
8000	2	10	0
9000	2	15	0
10000	3	0	0
11000	3	5	0
12000	3	10	0
Over 12000 sq.ft. add for each additional 1000 sq.ft. or part thereof.	0	5	0



'File 7/1 IV General correspondence regarding Kuwait Order in Council (1949) and King's Regulations made under the Kuwait Order in Council' [99v] (198/240)





- 3 -

APPENDIX

Form of Special Authorisation for Aircraft to
land in and fly over Kuwait

1. His Majesty's Government acting on behalf of and in agreement with His Highness the Sheikh of Kuwait hereby authorise the flight within the limits of Kuwait of the following aircraft of..... nationality:-

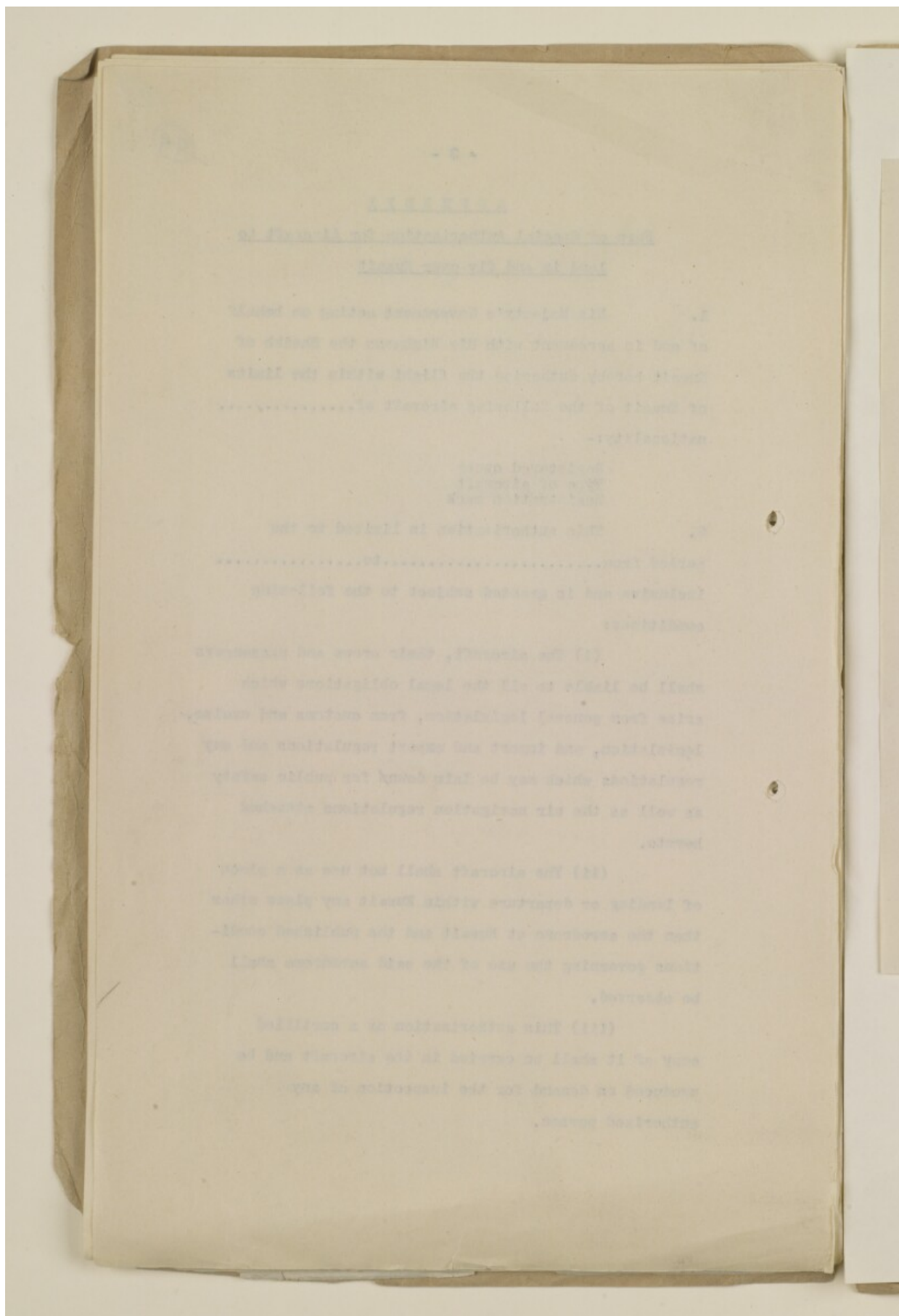
Registered owner
Type of aircraft
Registration mark

2. This authorisation is limited to the period from.....to..... inclusive and is granted subject to the following conditions:

(i) The aircraft, their crews and passengers shall be liable to all the legal obligations which arise from general legislation, from customs and excise, legislation, and import and export regulations and any regulations which may be laid down for public safety as well as the air navigation regulations attached hereto.

(ii) The aircraft shall not use as a place of landing or departure within Kuwait any place other than the aerodrome at Kuwait and the published conditions governing the use of the said aerodrome shall be observed.

(iii) This authorisation or a certified copy of it shall be carried in the aircraft and be produced on demand for the inspection of any authorised person.





Telegram En Clair.
From Political, Kuwait.
To Prodrone, Bahrain.
Tel. No. 207
Dated 19th September, 1949.

101

100

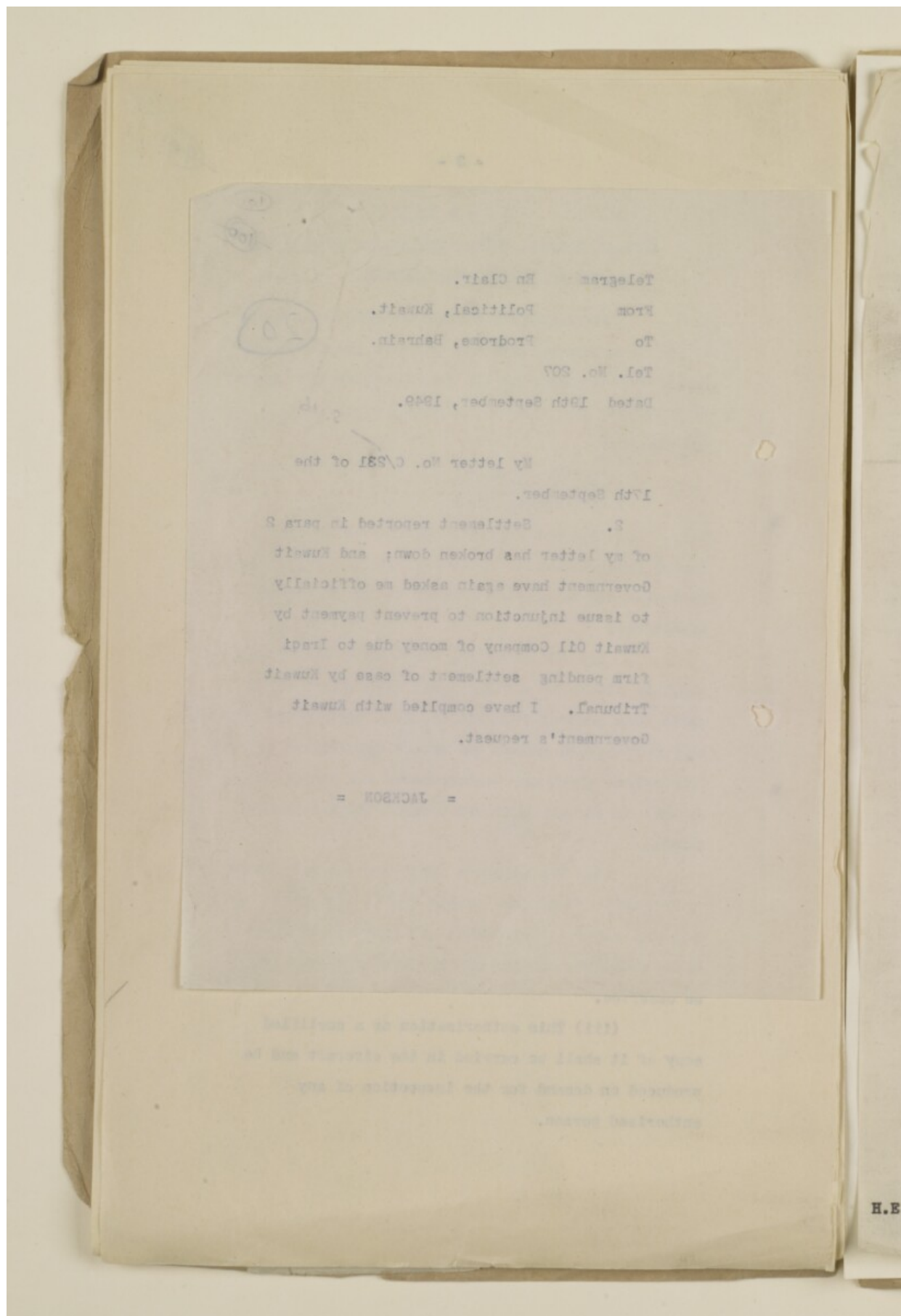
20

S. 1b

My letter No. C/231 of the
17th September.

2. Settlement reported in para 2
of my letter has broken down; and Kuwait
Government have again asked me officially
to issue injunction to prevent payment by
Kuwait Oil Company of money due to Iraqi
firm pending settlement of case by Kuwait
Tribunal. I have complied with Kuwait
Government's request.

= JACKSON =



H.E.



No. C/237 (7/1)

THE POLITICAL AGENCY,
KUWAIT,
24th September, 1949.

Please refer to King's Regulation No. 1 of 1947
(The Kuwait Passport Regulation, 1947).

2. Cases have occurred of European British subjects formerly employed by British firms here who were given visas for Kuwait at the request of their former employers and who have since resigned or being dismissed from their employment and have remained in or returned to Kuwait either in business on their own account or as employees of other firms. The validity of their visas has since expired or will shortly do so. One of these persons is a person to whom, now that I know him, I would not give a new visa for Kuwait or extend his present one.

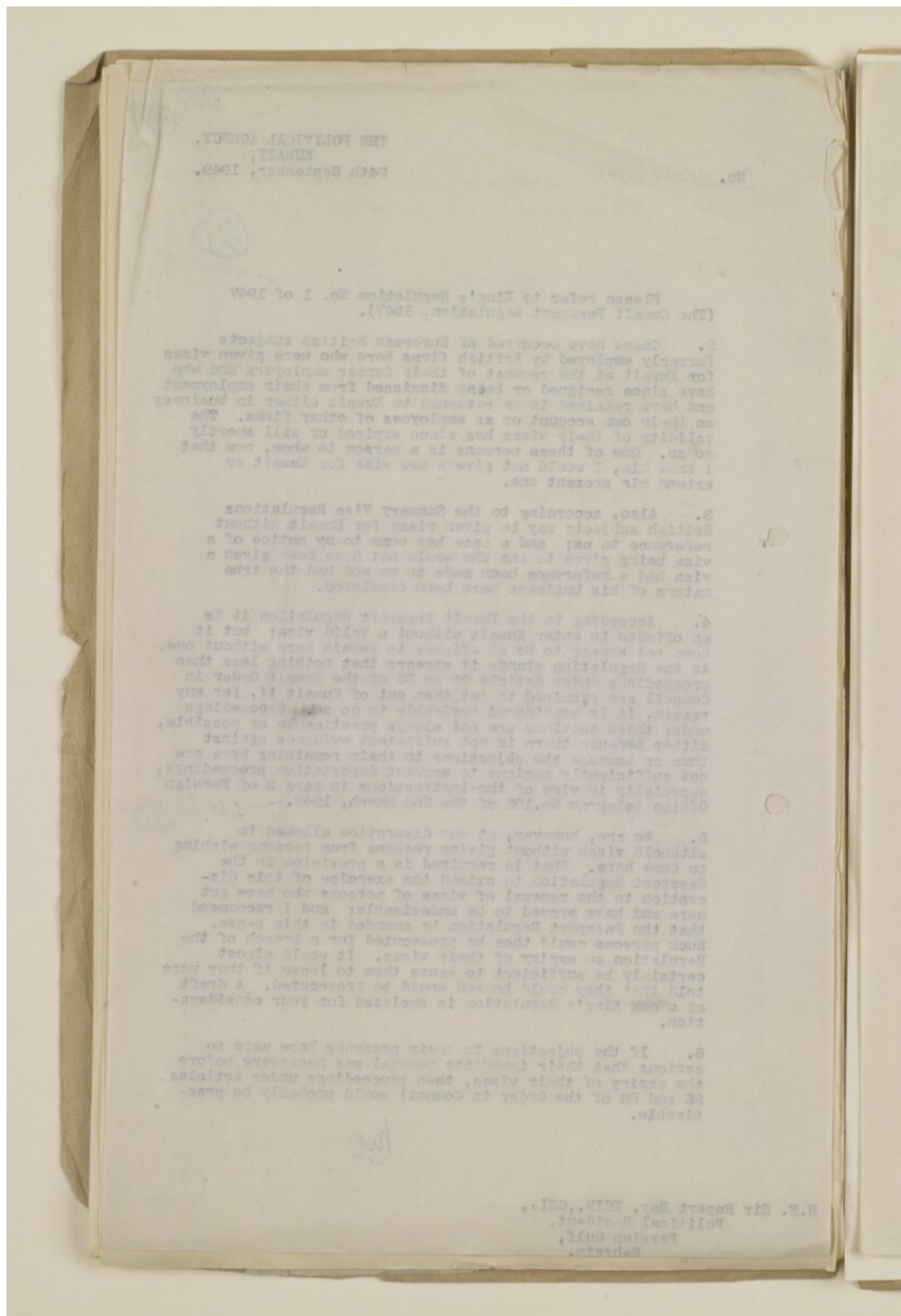
3. Also, according to the Summary Visa Regulations British subjects may be given visas for Kuwait without reference to us; and a case has come to my notice of a visa being given to one who would not have been given a visa had a reference been made to me and had the true nature of his business here been disclosed.

4. According to the Kuwait Passport Regulation it is an offence to enter Kuwait without a valid visa; but it does not appear to be an offence to remain here without one. As the Regulation stands it appears that nothing less than proceedings under Article 25 or 26 of the Kuwait Order in Council are required to get them out of Kuwait if, for any reason, it is considered desirable to do so. Proceedings under these sections are not always practicable or possible, either because there is not sufficient evidence against them or because the objections to their remaining here are not sufficiently serious to warrant deportation proceedings, especially in view of the instructions in para 3 of Foreign Office telegram No.105 of the 2nd March, 1949.

5. We are, however, at our discretion allowed to withhold visas without giving reasons from persons wishing to come here. What is required is a provision in the Passport Regulation to extend the exercise of this discretion to the renewal of visas of persons who have got here and have proved to be undesirable; and I recommend that the Passport Regulation be amended in this sense. Such persons could then be prosecuted for a breach of the Regulation on expiry of their visas. It would almost certainly be sufficient to cause them to leave if they were told that they could be and would be prosecuted. A draft of a new King's Regulation is enclosed for your consideration.

6. If the objections to their presence here were so serious that their immediate removal was necessary before the expiry of their visas, then proceedings under Articles 25 and 26 of the Order in Council would probably be practicable.

H.E. Sir Rupert Hay, KCIE., CSI.,
Political Resident,
Persian Gulf,
Bahrain.





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102

KING'S REGULATION MADE UNDER ARTICLE
85 OF THE KUWAIT ORDER IN COUNCIL, 1949.

No. of 1949.

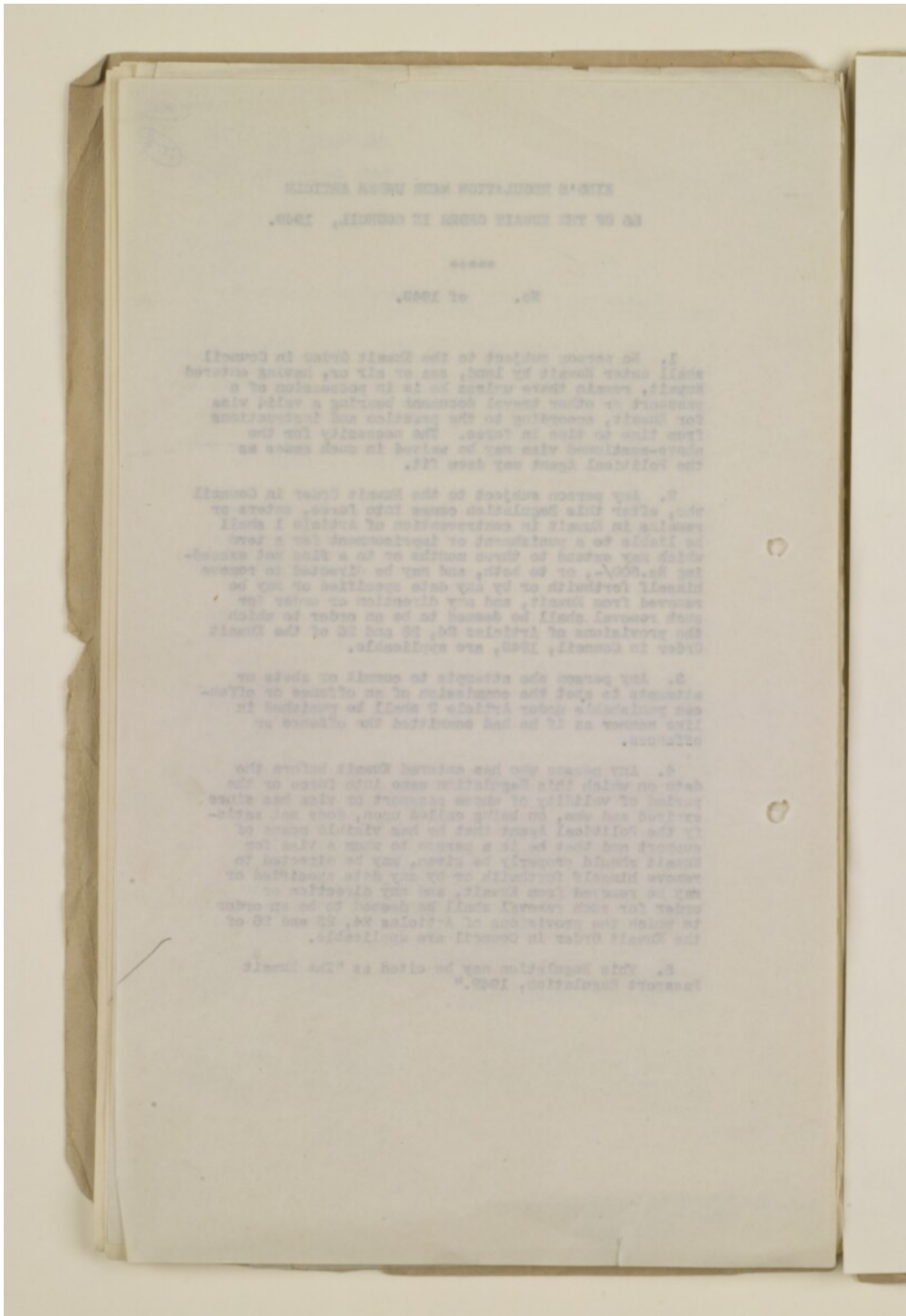
1. No person subject to the Kuwait Order in Council shall enter Kuwait by land, sea or air or, having entered Kuwait, remain there unless he is in possession of a passport or other travel document bearing a valid visa for Kuwait, according to the practice and instructions from time to time in force. The necessity for the above-mentioned visa may be waived in such cases as the Political Agent may deem fit.

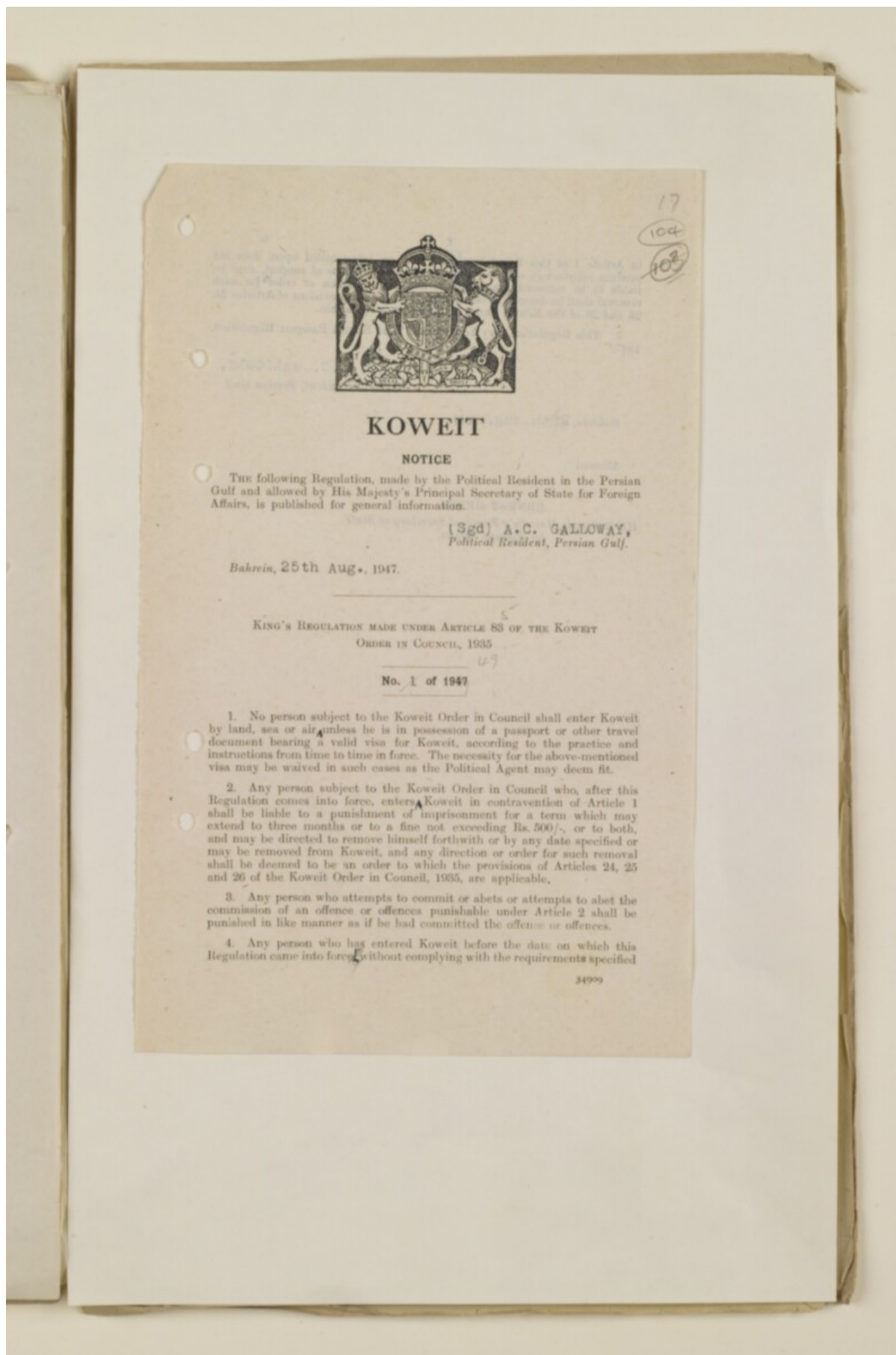
2. Any person subject to the Kuwait Order in Council who, after this Regulation comes into force, enters or remains in Kuwait in contravention of Article 1 shall be liable to a punishment or imprisonment for a term which may extend to three months or to a fine not exceeding Rs.500/-, or to both, and may be directed to remove himself forthwith or by any date specified or may be removed from Kuwait, and any direction or order for such removal shall be deemed to be an order to which the provisions of Articles 24, 25 and 26 of the Kuwait Order in Council, 1949, are applicable.

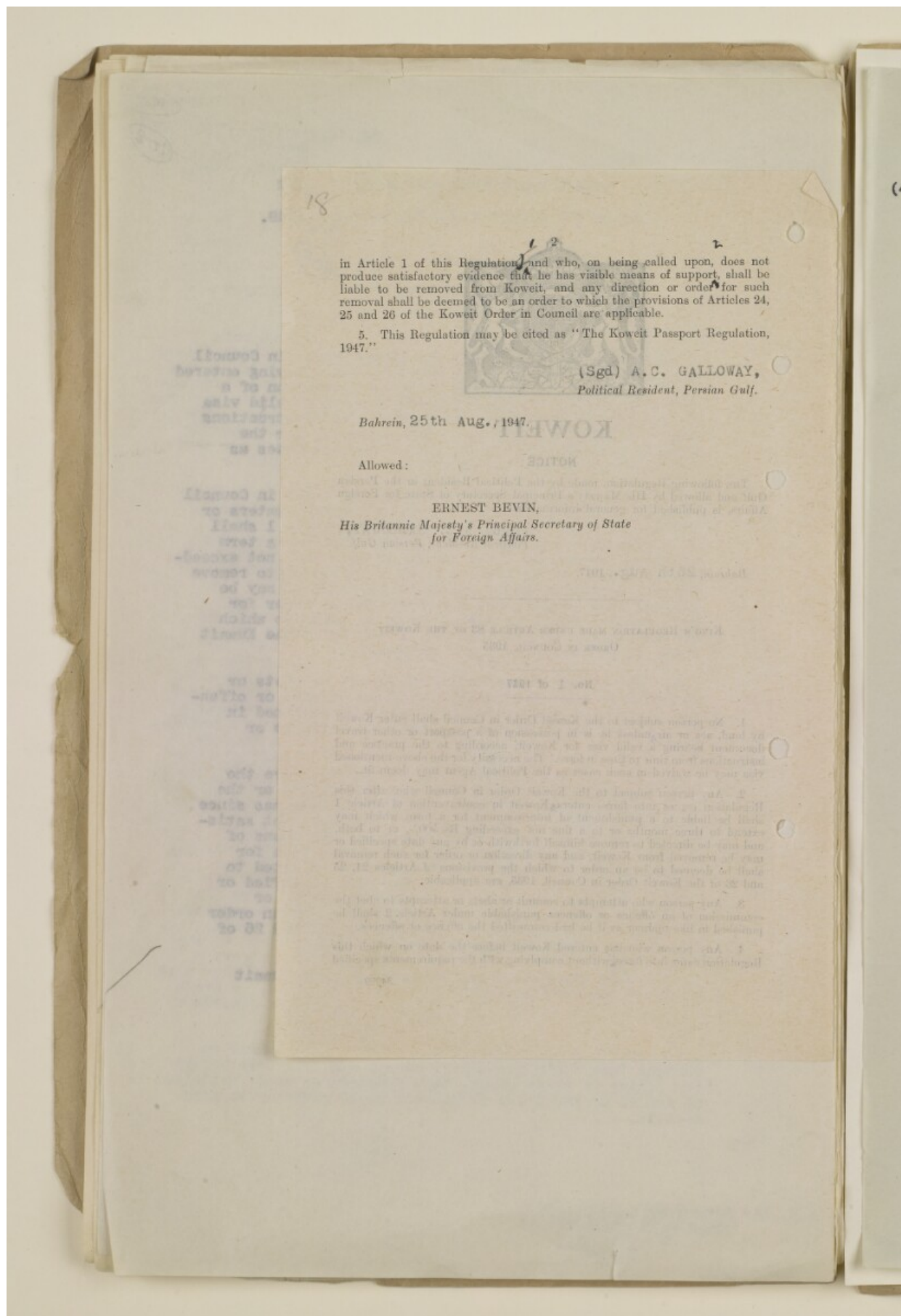
3. Any person who attempts to commit or abets or attempts to abet the commission of an offence or offences punishable under Article 2 shall be punished in like manner as if he had committed the offence or offences.

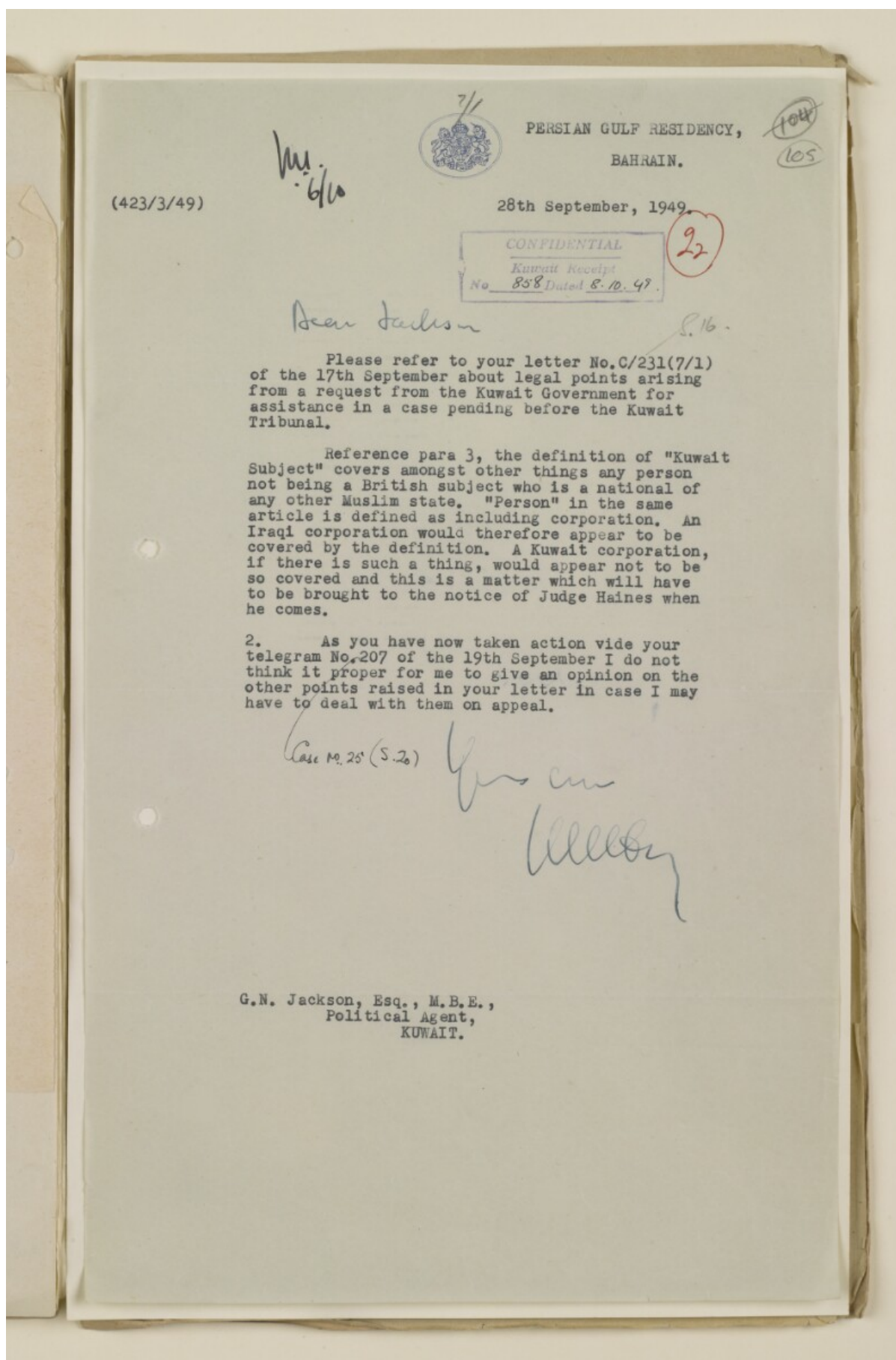
4. Any person who has entered Kuwait before the date on which this Regulation came into force or the period of validity of whose passport or visa has since expired and who, on being called upon, does not satisfy the Political Agent that he has visible means of support and that he is a person to whom a visa for Kuwait should properly be given, may be directed to remove himself forthwith or by any date specified or may be removed from Kuwait, and any direction or order for such removal shall be deemed to be an order to which the provisions of Articles 24, 25 and 26 of the Kuwait Order in Council are applicable.

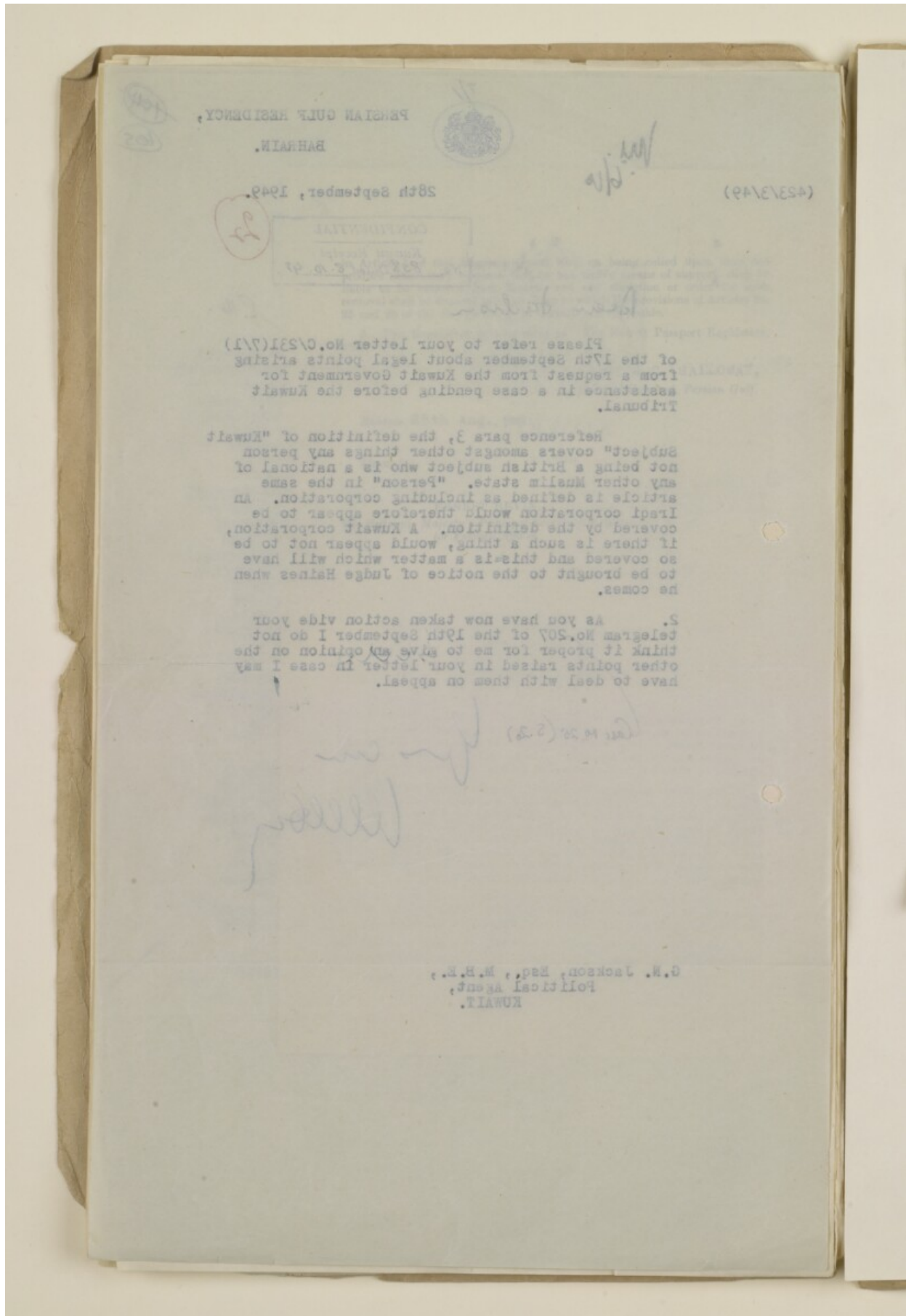
5. This Regulation may be cited as "The Kuwait Passport Regulation, 1949."

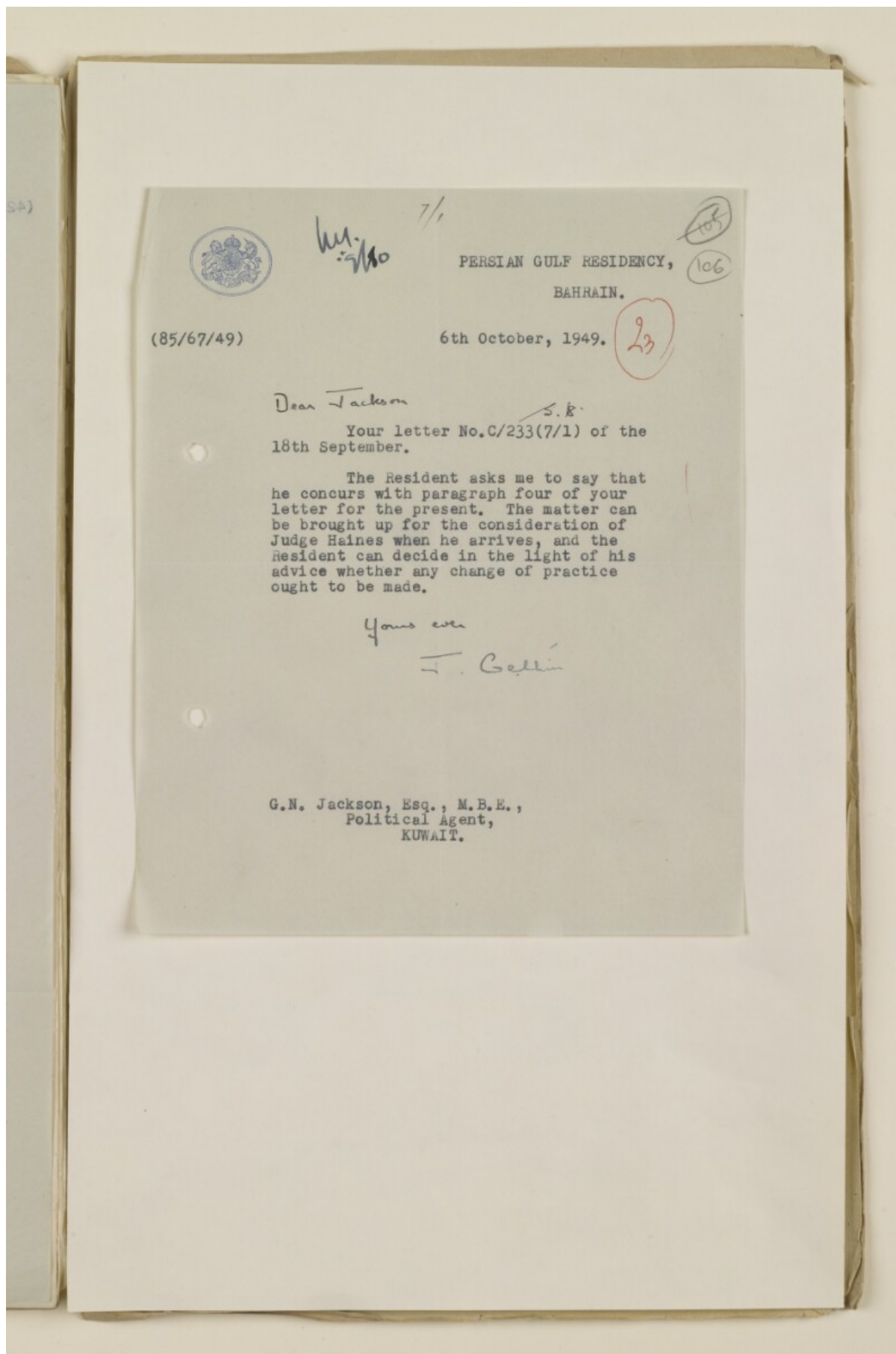


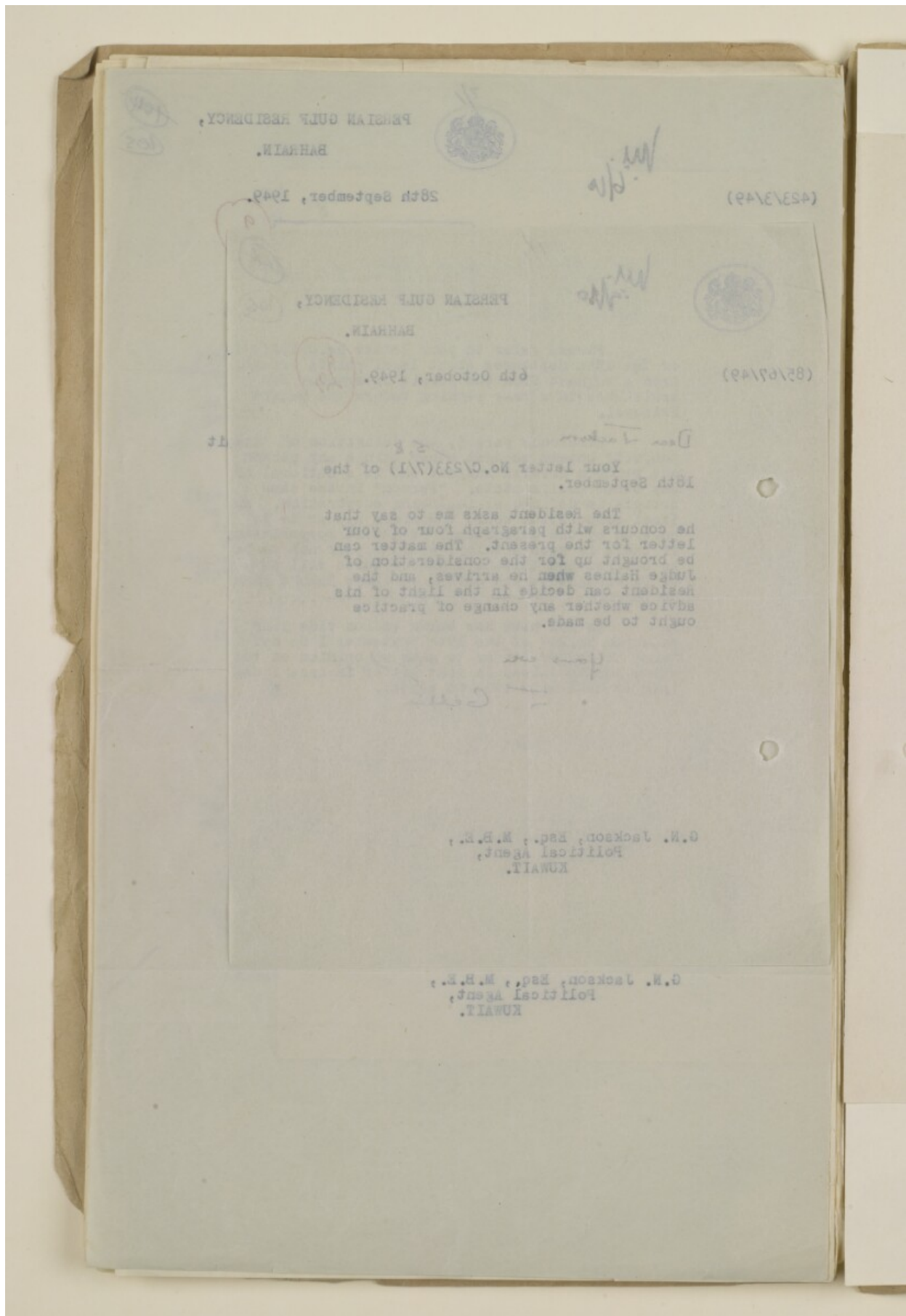


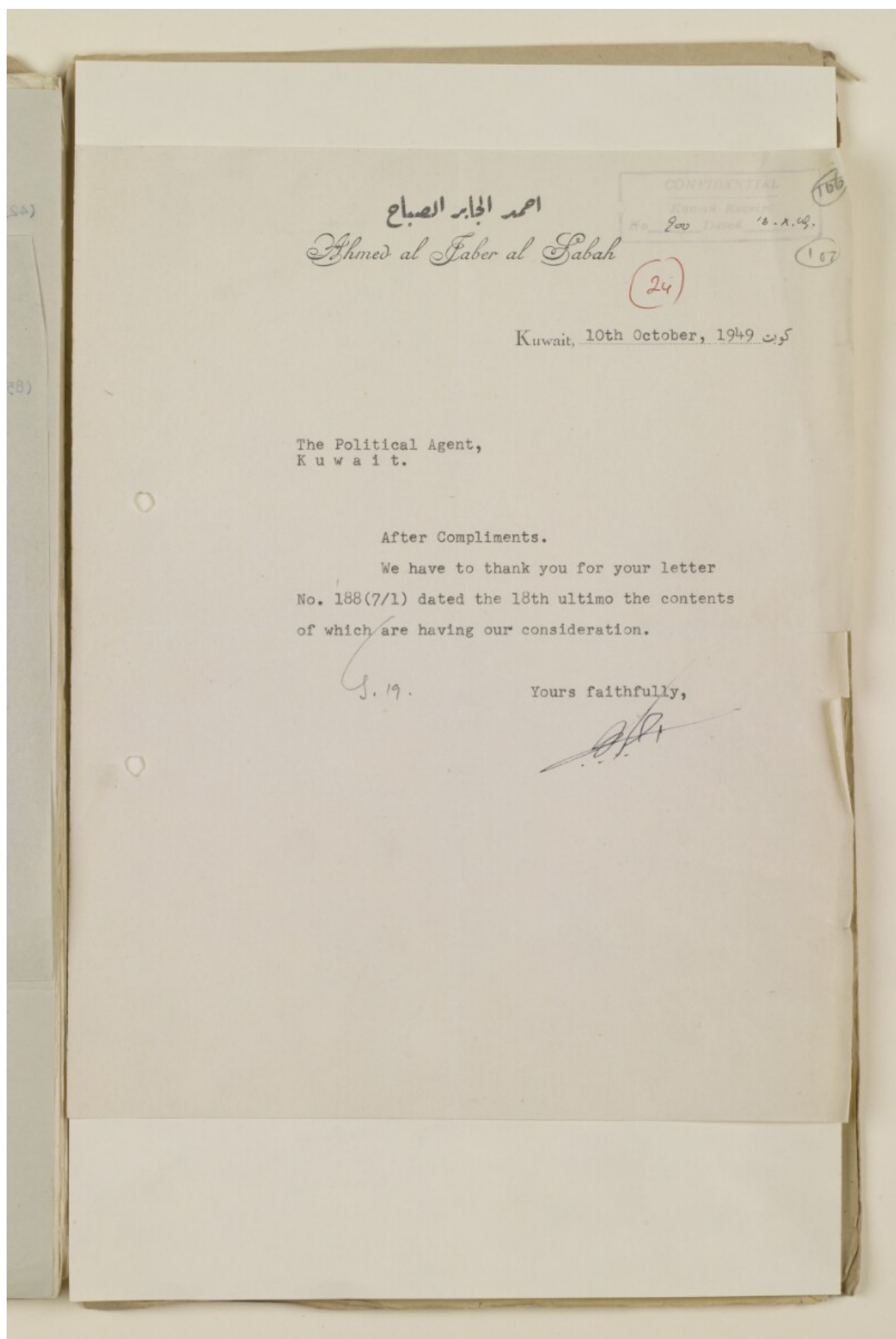


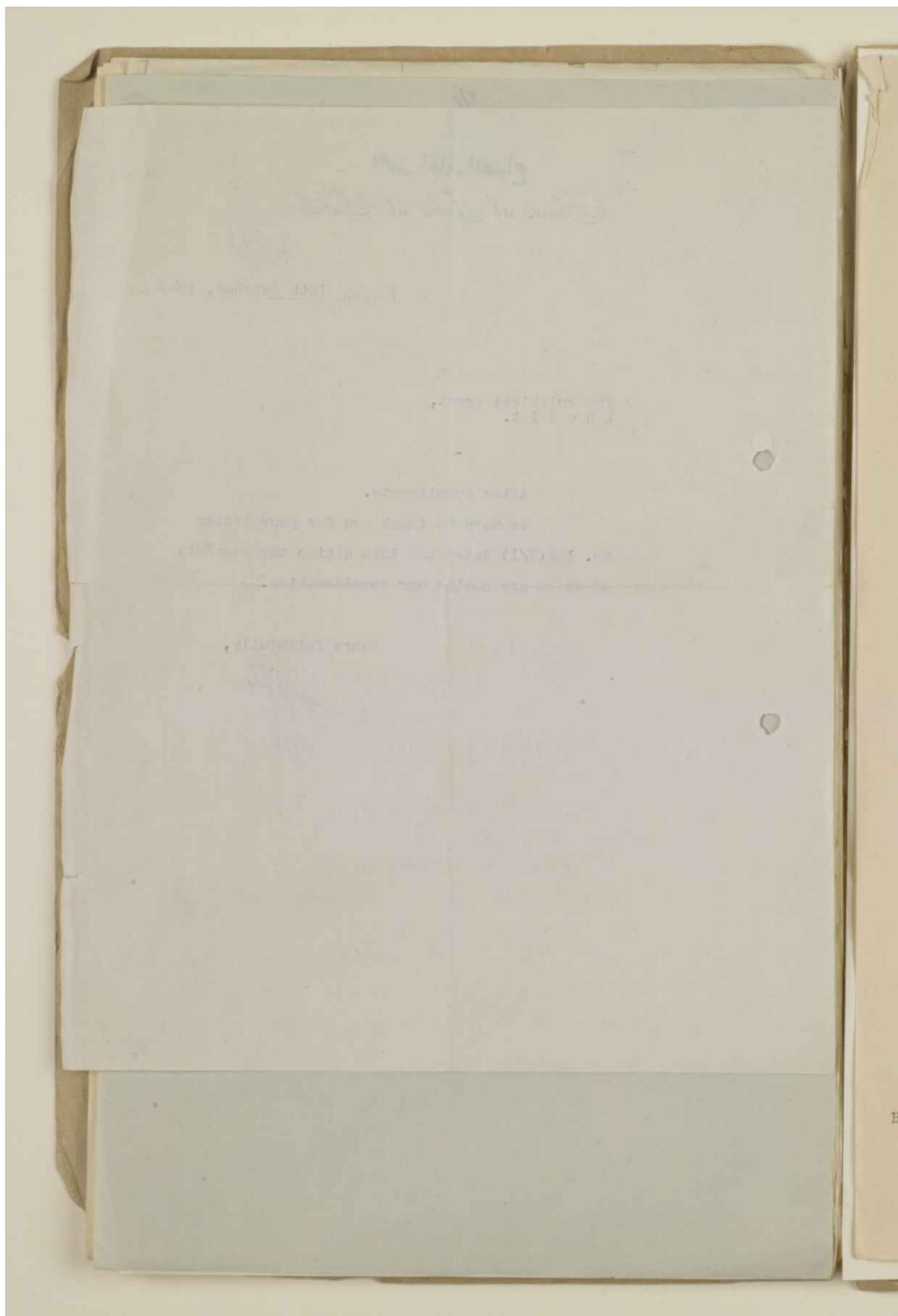


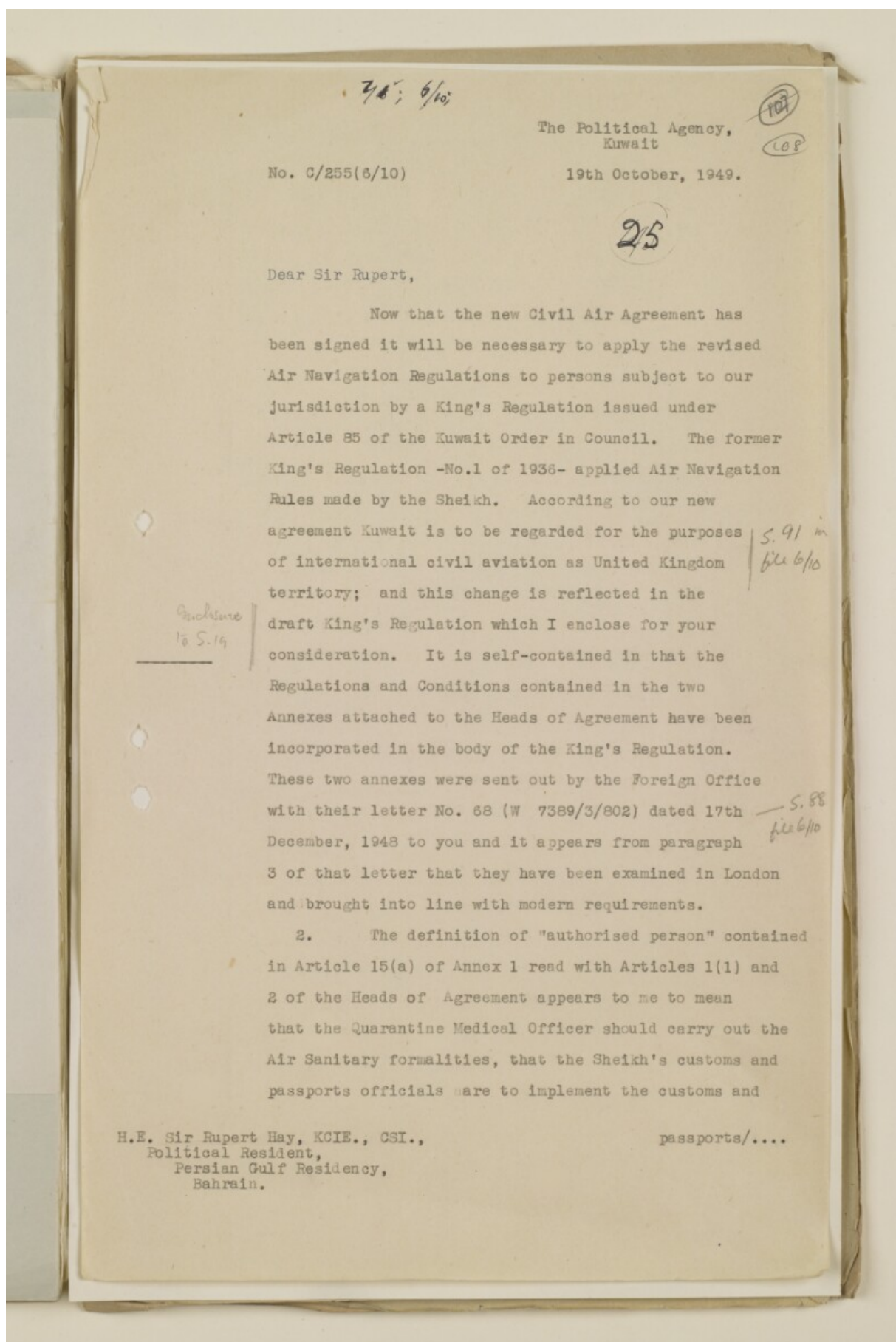


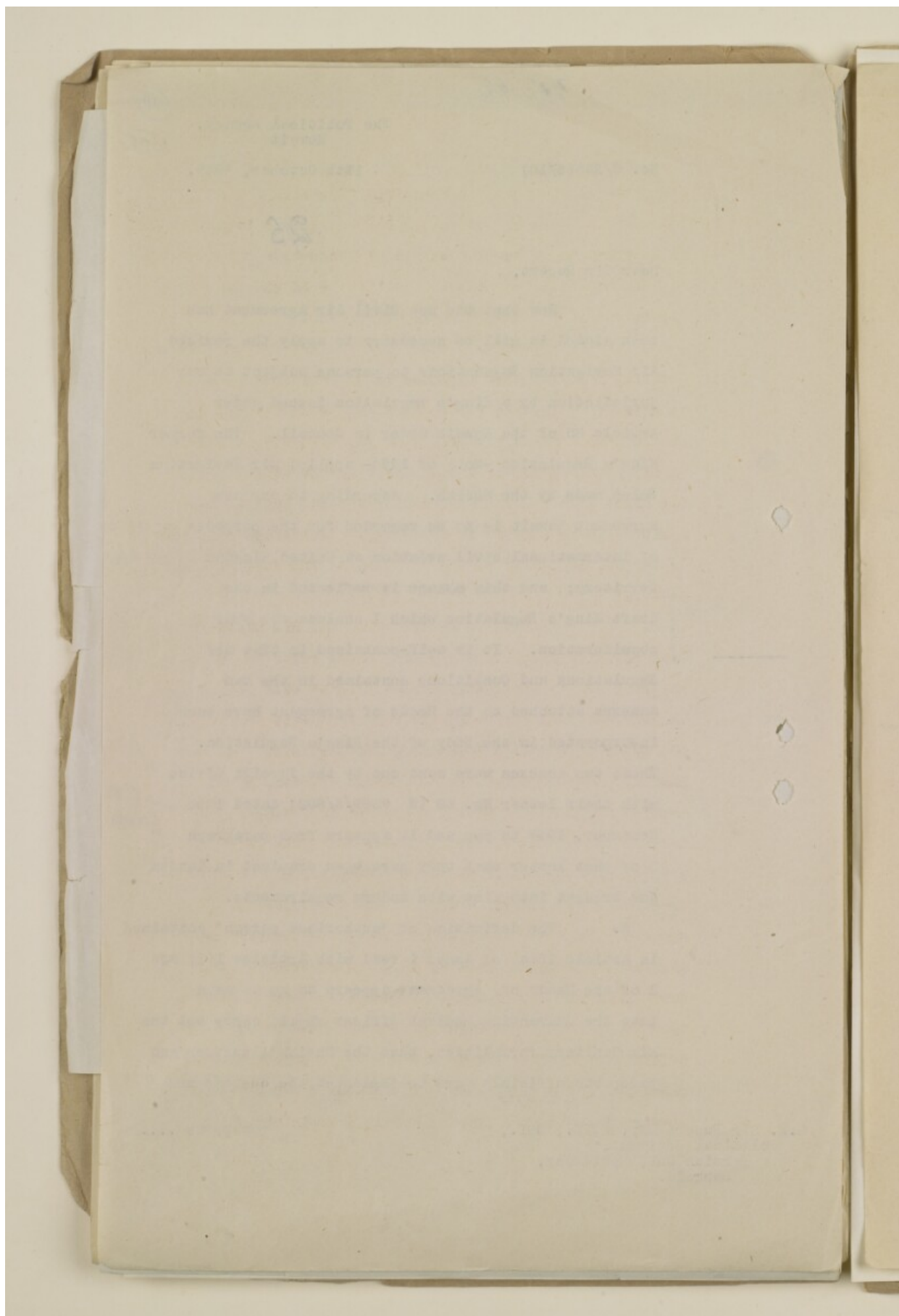














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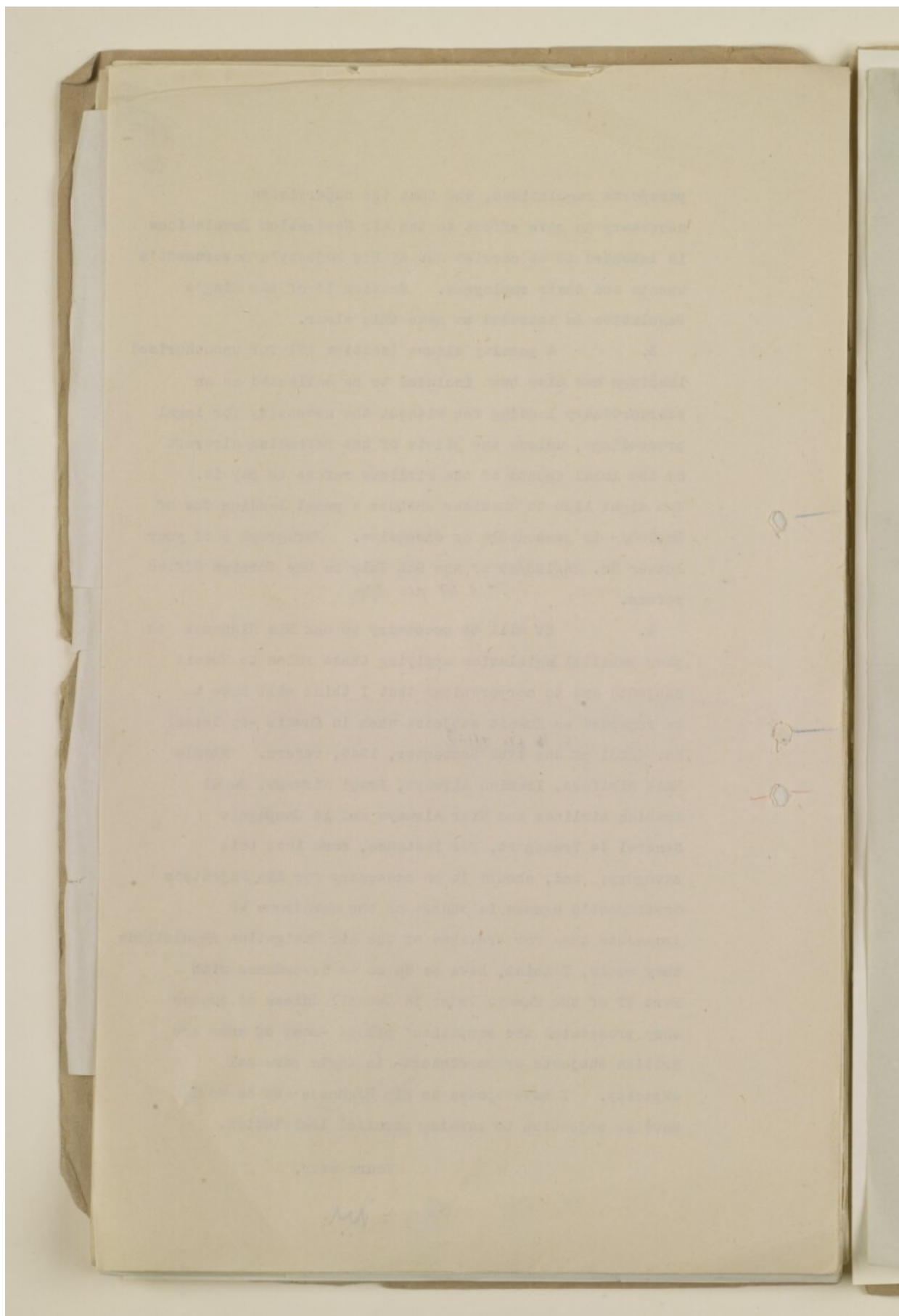
passports regulations, and that the supervision necessary to give effect to the Air Navigation Regulations is intended to be carried out by His Majesty's Government's agents and their employees. Section 16 of the King's Regulation is intended to make this clear.

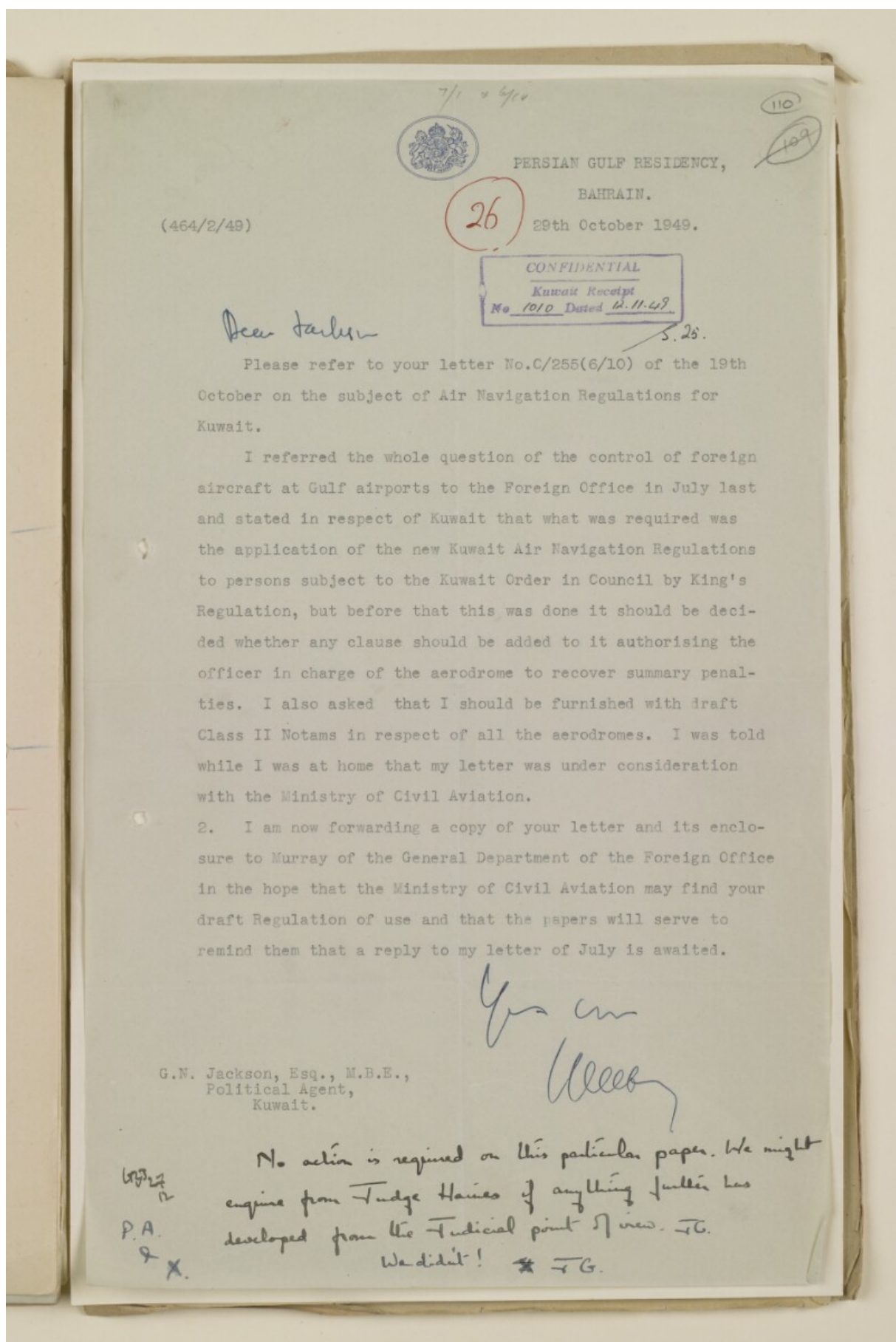
3. A penalty clause (section 17) for unauthorised landings has also been included to be collected as an extraordinary landing fee without the necessity for legal proceedings, unless the pilots of the offending aircraft or the local agents of the airlines refuse to pay it. You might like to consider whether a penal landing fee of Rs.100/- is reasonable or excessive. Paragraph 3 of your letter No. 26/123/49 of the 9th July to the Foreign Office refers. *S 47 AL 6/7*

4. It will be necessary to ask His Highness to pass parallel legislation applying these rules to Kuwait subjects and to corporations that I think will have to be regarded as Kuwait subjects when in Kuwait -my letter No. C/231 of the 17th September, 1949, refers. *S. 16 AL 7/11-12* Middle East Airlines, Iranian Airways, Iraqi Airways, Saudi Arabian Airlines and Misr Airways and la Campagne General de Transport, for instance, come into this category; and, should it be necessary for His Majesty's Government's agents in charge of the aerodrome to prosecute them for breaches of the Air Navigation Regulations they would, I think, have to do so in accordance with Part VI of the Kuwait Order in Council unless of course they prosecuted the companies' pilots -most of whom are British subjects or Foreigners- in their personal capacity. I have spoken to His Highness and he would have no objection to passing parallel legislation.

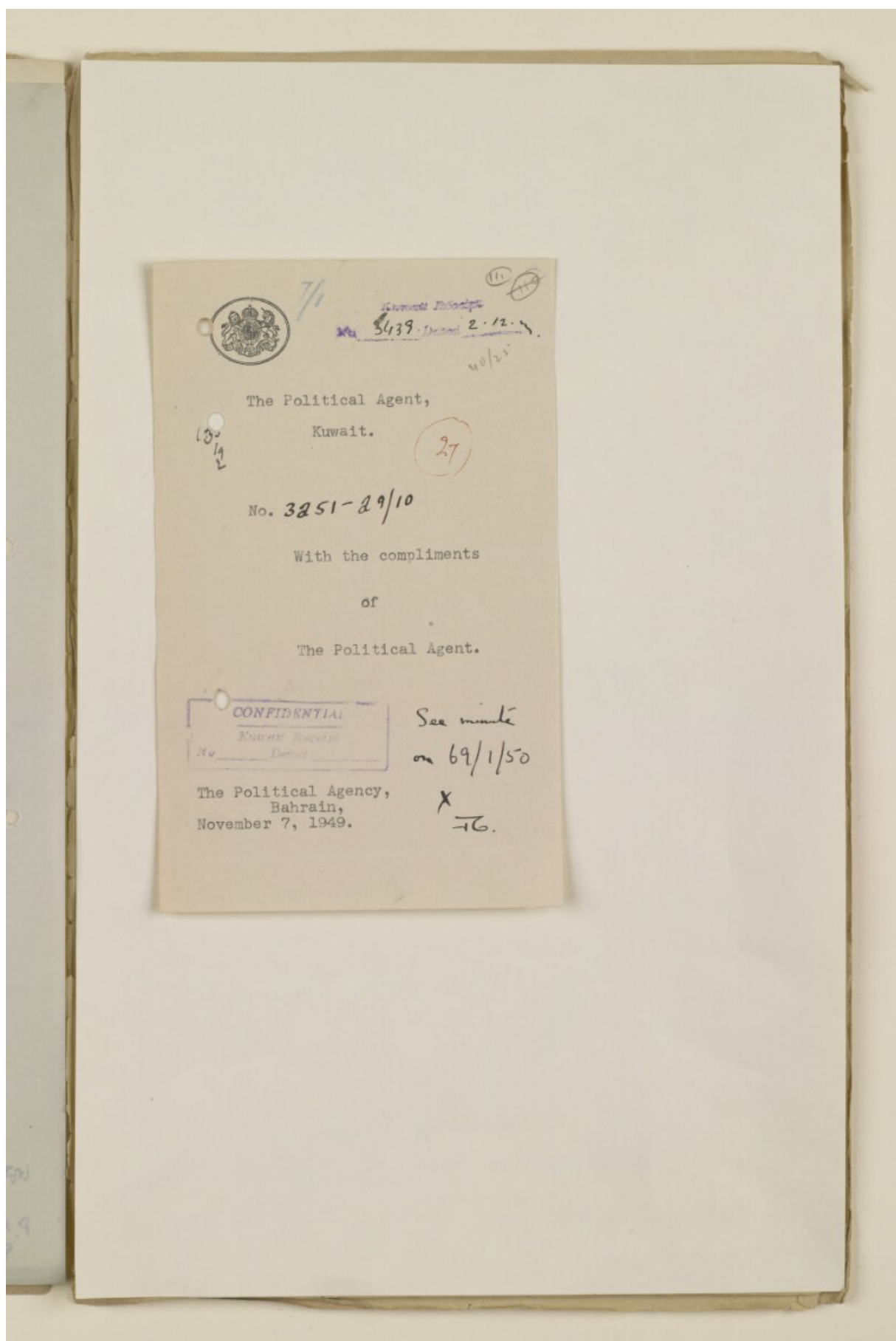
Yours ever,

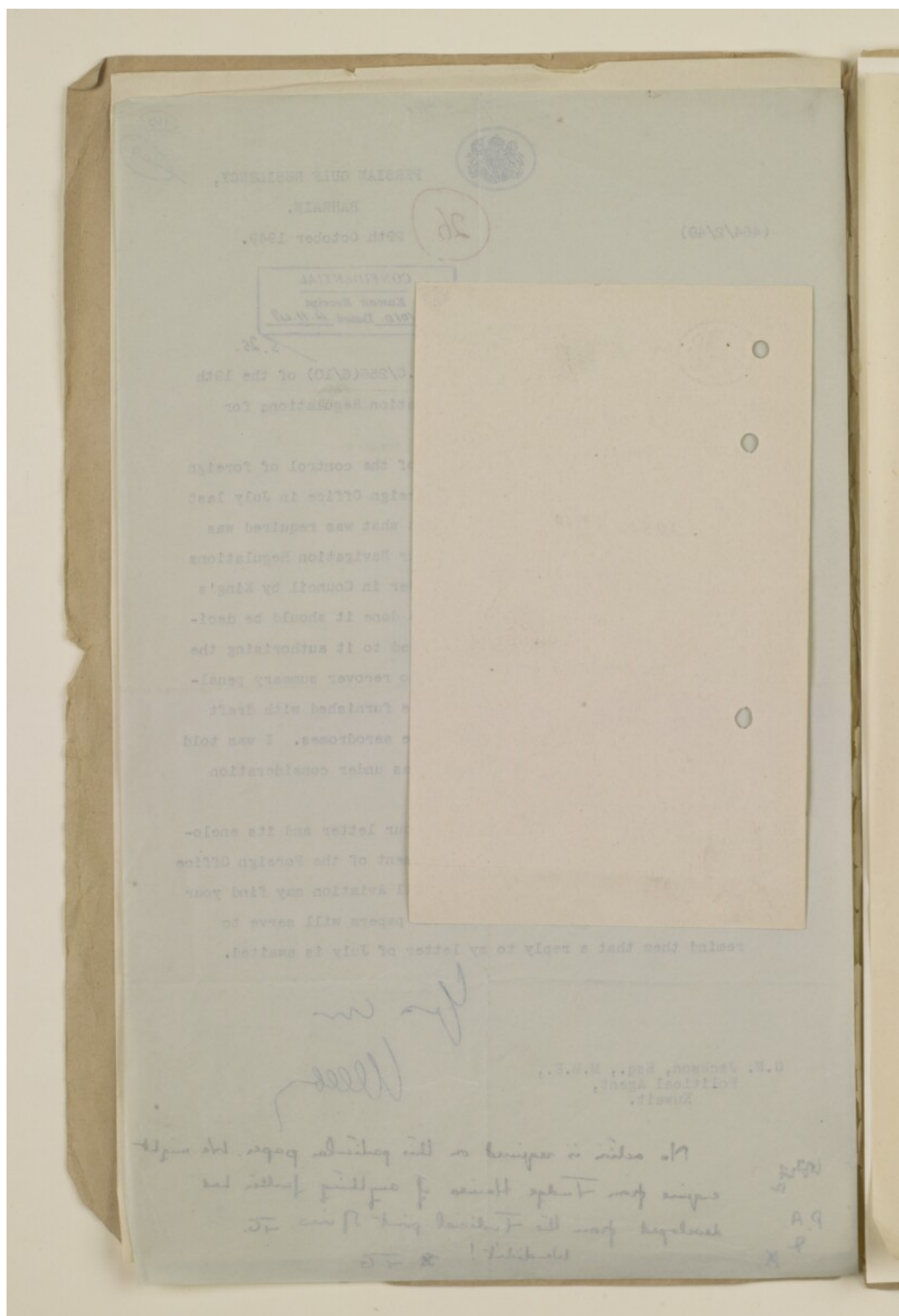
7c m.













No. R-486-29/10

Political Agency,
Bahrain,
November 7, 1949

(112)

Dear Sir Rupert,

S. 21

Please refer to Jackson's letter of 24th September forwarded to this Agency under Residency letter No. 85/68/49 of 6th October.

2. Since that time I have received a letter from Belgrave raising this same subject of the control of immigrants. I enclose a copy of that letter.

3. I consider that we are under an obligation to give all assistance in controlling people who enter Bahrain (and this would presumably apply equally to Kuwait). As I mentioned to you in the Residency Jackson's suggestion regarding visas will not work because a visa is only a permit to enter. I have discussed furthermore the Bahrain Government's proposals with Belgrave and in agreement with him I suggest that the following steps should be taken.

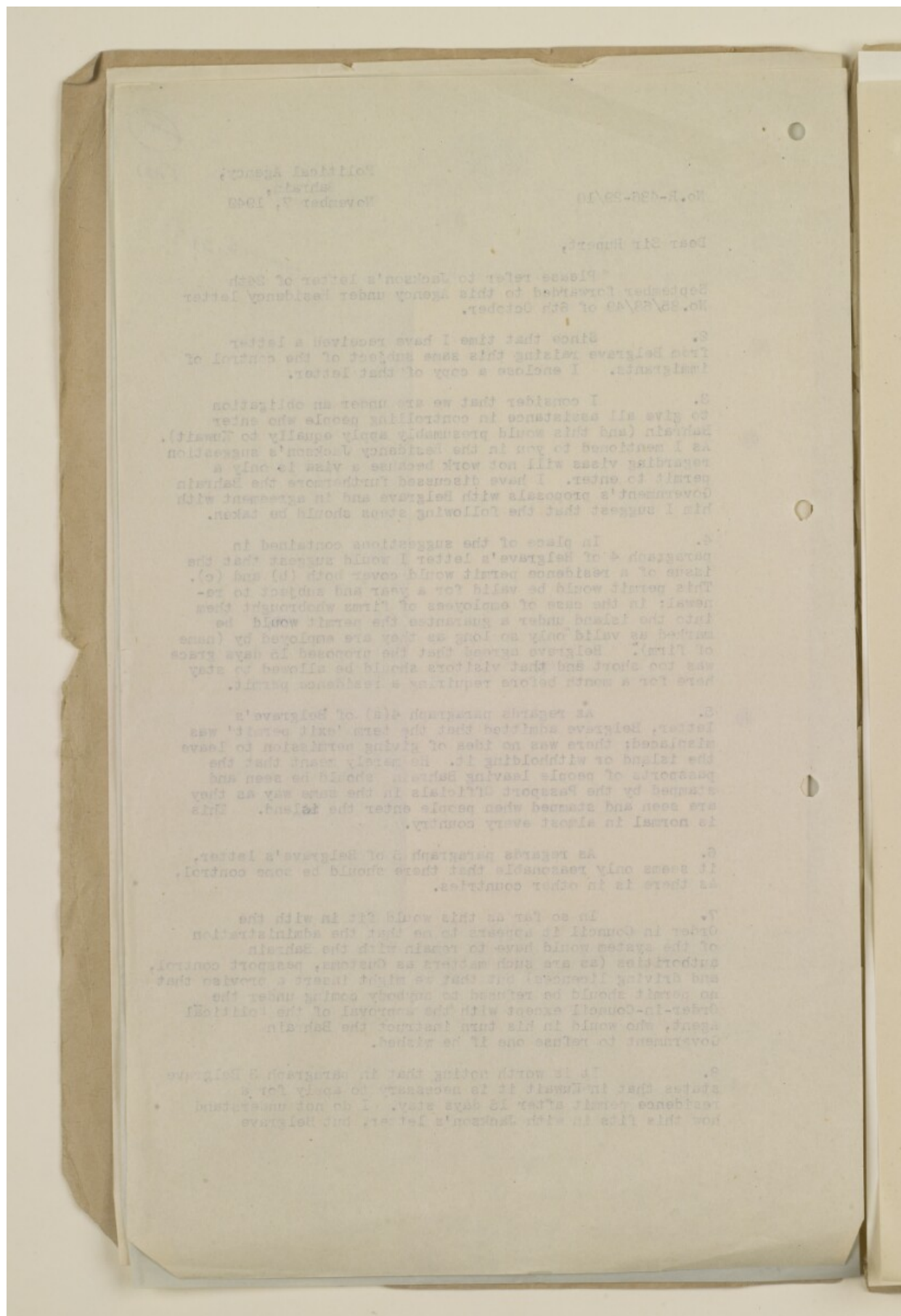
4. In place of the suggestions contained in paragraph 4 of Belgrave's letter I would suggest that the issue of a residence permit would cover both (b) and (c). This permit would be valid for a year and subject to renewal; in the case of employees of firms who brought them into the island under a guarantee the permit would be marked as valid "only so long as they are employed by (name of firm)". Belgrave agreed that the proposed 15 days grace was too short and that visitors should be allowed to stay here for a month before requiring a residence permit.

5. As regards paragraph 4(a) of Belgrave's letter, Belgrave admitted that the term 'exit permit' was misplaced; there was no idea of giving permission to leave the island or withholding it. He merely meant that the passports of people leaving Bahrain should be seen and stamped by the Passport Officials in the same way as they are seen and stamped when people enter the island. This is normal in almost every country.

6. As regards paragraph 5 of Belgrave's letter, it seems only reasonable that there should be some control, as there is in other countries.

7. In so far as this would fit in with the Order in Council it appears to me that the administration of the system would have to remain with the Bahrain authorities (as are such matters as Customs, passport control, and driving licences) but that we might insert a proviso that no permit should be refused to anybody coming under the Order-in-Council except with the approval of the Political Agent, who would in his turn instruct the Bahrain Government to refuse one if he wished.

8. It is worth noting that in paragraph 3 Belgrave states that in Kuwait it is necessary to apply for a residence permit after 15 days stay. I do not understand how this fits in with Jackson's letter, but Belgrave





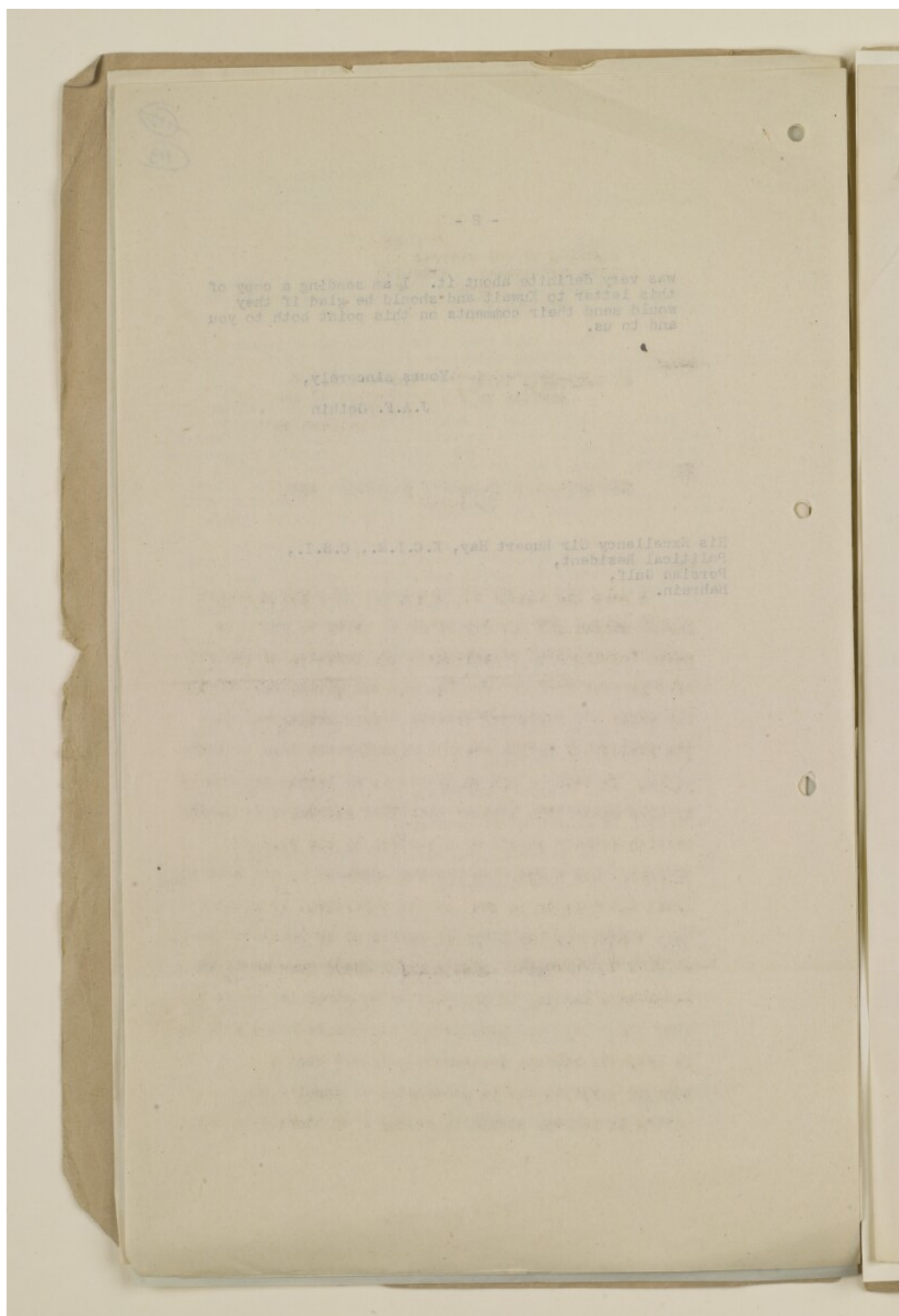
- 2 -

was very definite about it. I am sending a copy of this letter to Kuwait and should be glad if they would send their comments on this point both to you and to us.

Yours sincerely,

J.A.F. Gethin

His Excellency Sir Rupert Hay, K.C.I.E., C.S.I.,
Political Resident,
Persian Gulf,
Bahrain.





114
113

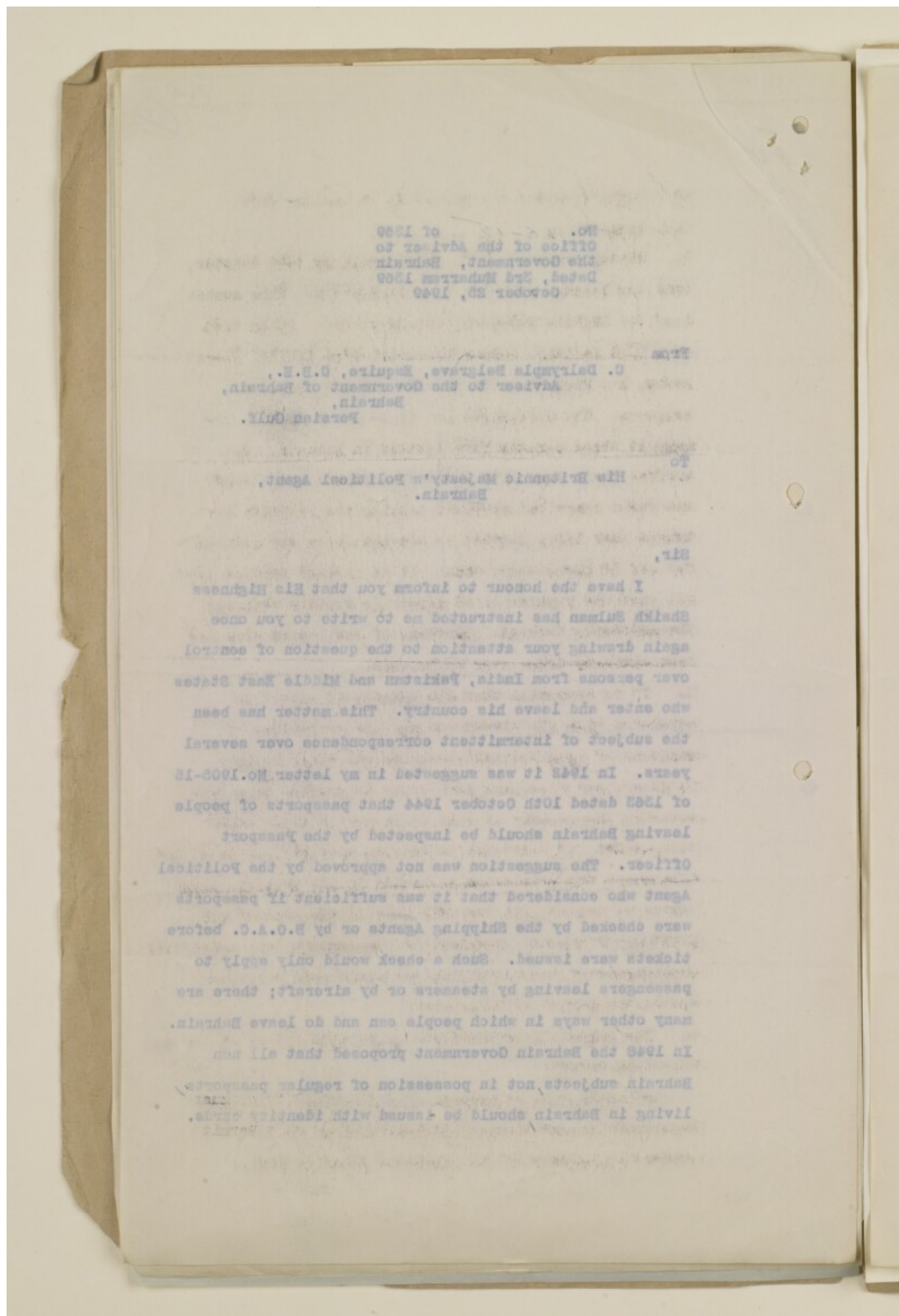
No. 36-15 of 1369
Office of the Adviser to
the Government, Bahrain
Dated, 3rd Muharram 1369
October 25, 1949

From
C. Dalrymple Belgrave, Esquire, C.B.E.,
Adviser to the Government of Bahrain,
Bahrain,
Persian Gulf.

To
His Britannic Majesty's Political Agent,
Bahrain.

Sir,

I have the honour to inform you that His Highness Shaikh Sulman has instructed me to write to you once again drawing your attention to the question of control over persons from India, Pakistan and Middle East States who enter and leave his country. This matter has been the subject of intermittent correspondence over several years. In 1942 it was suggested in my letter No.1905-15 of 1363 dated 10th October 1944 that passports of people leaving Bahrain should be inspected by the Passport Officer. The suggestion was not approved by the Political Agent who considered that it was sufficient if passports were checked by the Shipping Agents or by B.O.A.C. before tickets were issued. Such a check would only apply to passengers leaving by steamers or by aircraft; there are many other ways in which people can and do leave Bahrain. In 1948 the Bahrain Government proposed that all non Bahrain subjects, not in possession of regular passports, living in Bahrain, should be issued with identity cards.





- 2 -

114
115

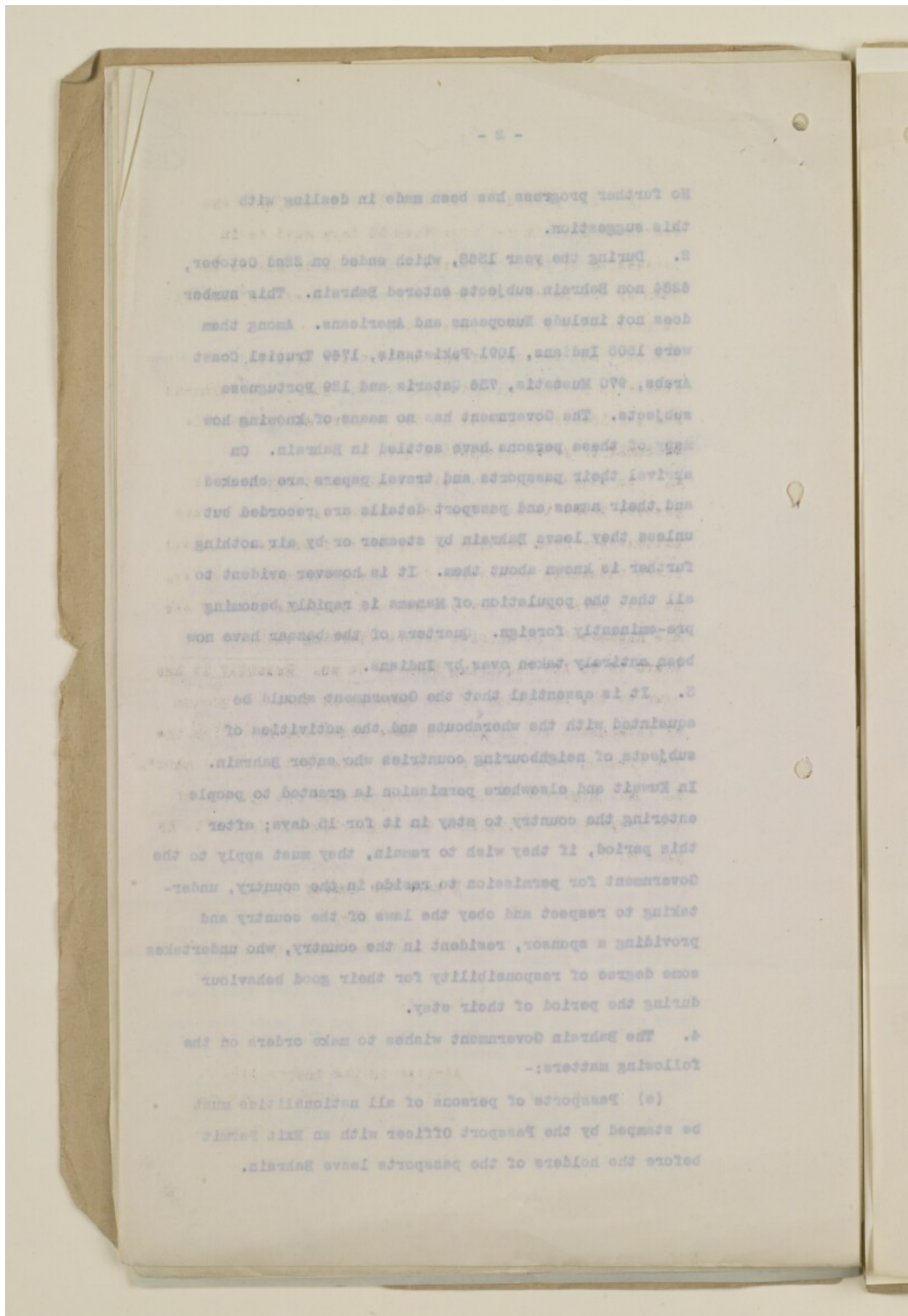
No further progress has been made in dealing with this suggestion.

2. During the year 1368, which ended on 22nd October, 6284 non Bahrain subjects entered Bahrain. This number does not include Europeans and Americans. Among them were 1505 Indians, 1091 Pakistanis, 1769 Trucial Coast Arabs, 970 Mustatis, 736 Qataris and 129 Portuguese subjects. The Government has no means of knowing how many of these persons have settled in Bahrain. On arrival their passports and travel papers are checked and their names and passport details are recorded but unless they leave Bahrain by steamer or by air nothing further is known about them. It is however evident to all that the population of Manama is rapidly becoming pre-eminently foreign. Quarters of the bazaar have now been entirely taken over by Indians.

3. It is essential that the Government should be acquainted with the whereabouts and the activities of subjects of neighbouring countries who enter Bahrain. In Kuwait and elsewhere permission is granted to people entering the country to stay in it for 15 days; after this period, if they wish to remain, they must apply to the Government for permission to reside in the country, undertaking to respect and obey the laws of the country and providing a sponsor, resident in the country, who undertakes some degree of responsibility for their good behaviour during the period of their stay.

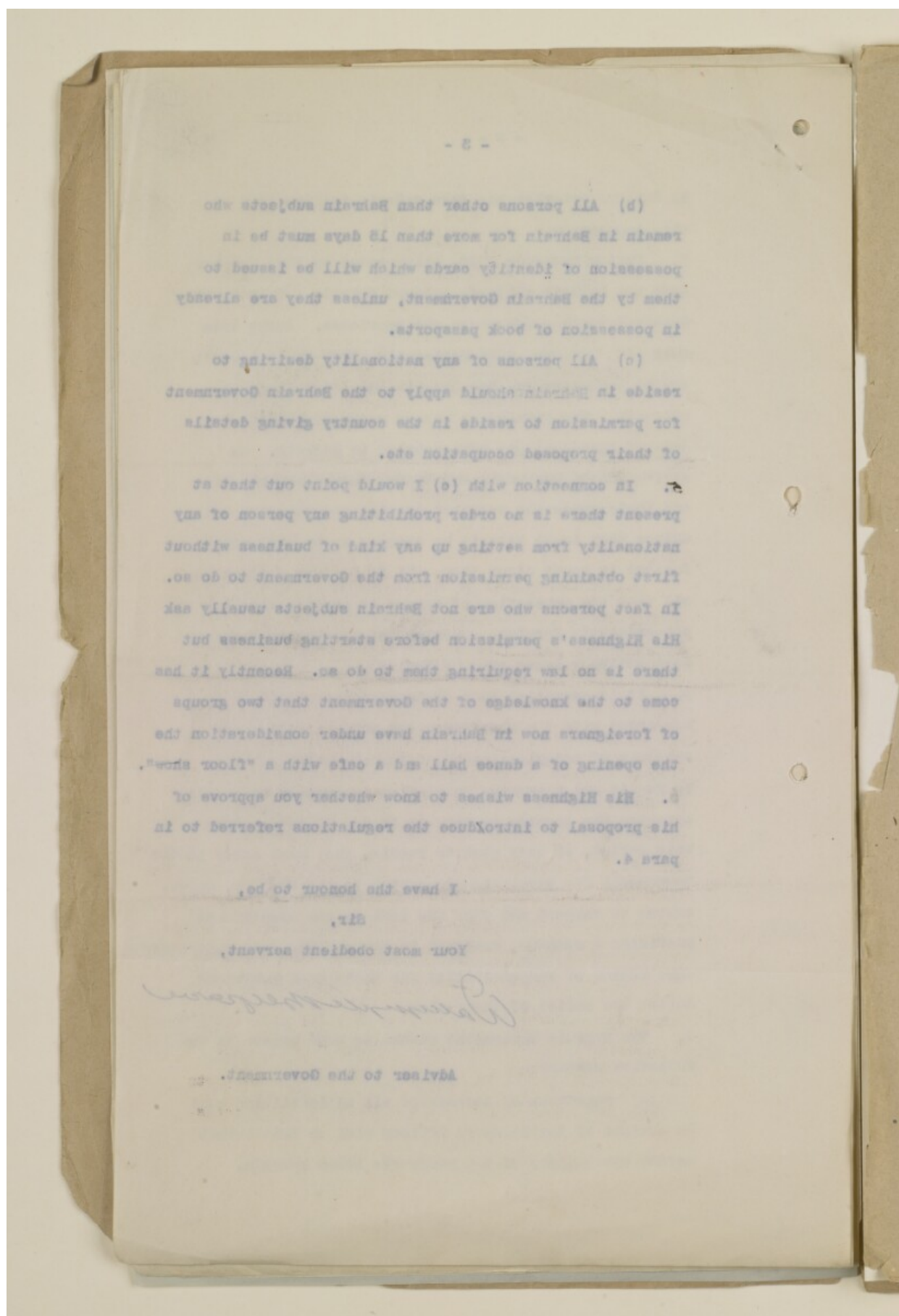
4. The Bahrain Government wishes to make orders on the following matters:-

(a) Passports of persons of all nationalities must be stamped by the Passport Officer with an Exit Permit before the holders of the passports leave Bahrain.



116

Adviser to the Government.





FILE N^o. 7/1 (10) 117

①
Issued letter R/56 dt. March '49 to Residency, Bahrain

②
Issued letter C/88 dt. 16.4.49 to Residency, Bahrain

③
P.L. N^o. 85/26/49 dt. 14.4.49 from Residency, Bahrain

④
Issued letter C/96 dt. 25.4.49 to Residency, Bahrain

⑤
Issued letter C/97 dt. 25.4.49 to Residency, Bahrain
Jh
16/5

⑥
P.L. N^o. 85/36/49 dt. 2.5.49 from Residency, Bahrain

⑦
Issued letter C/111 dt. 8.5.49 to Residency, Bahrain

⑧
Letter 85/38/49 dt. 12.5.49 from Residency, Bahrain
Jh
18/5

⑨
Letter 85/41/49 dt. 17.5.49 from Residency, Bahrain

1. S. 8. Copy cannot be traced. Copies may be made & placed on appropriate files.

2. S. 9. Nil ?
Jh
5/6

Jh G.N.J.
7/6

⑩
Issued letter N^o. 80 dt. 31.5.49 to H.H. Ruler of Kuwait
Jh
17/6

⑪
Issued letter C/134 dt. 2.6.49 to Residency, Bahrain



(12)
Letter A. 6. 5752 dt. 4.6.48 from H.H. Ruler of Kuwait.
File? 3
JH
2/6.

(13)
P.L. No. 85/47/48 dt. 7.6.48 from Residency, Bahrain

(14)
P.L. No. 85/50/48 dt. 14.6.48 from Residency, Bahrain

S. 13 File? 4

S. 14 Presume P.A. will keep these 5
copies. May file
JH
25/6.

S. 13 & 14 File. Re Orders in Council 6
that be kept in this file.

828. While his Excellency pt. compare 7.
his Air Navigation Regulations
Annex I to the New Civil Air
Agreement signed on the 21st
June with his Air Navigation
Regulations of 1934 (P. 2. 4/25/34)
as applied by King's Reg. No. 1
of 1936. Any changes will have
to be applied by a new King's
Reg. under the 14. Order in Council
of 1949. The scale of fees
appears to have been revised since
1934



and it is contemplated that housing and other charges might be altered if the Kuwait Oil Company are appointed H.M.G.'s agents - para 7 of enclosure B to S.46 in file 6/7, vol.II. Also it has been proposed that a penal clause should be inserted in the Regulations to penalise unauthorized landings - para 3 in enclosure to s.47 file 6/7, vol.II.

8 What is now required is a draft of a new King's Regulation applying Annex 1 of the New Civil Air Agreement plus any penalty clause the Resident might like to add, and embodying the scale of landing fees notified in enclosure to s.75, file 6/10. and the housing fees already fixed in P.Z. 4125/34. If the housing fees are later revised we can issue a further King's Regulation. The appendix in P.Z.4125/34 might also need amending to bring it into line with the terms of the new Air Agreement as modified by s.125 in file 6/10.

My.
21/7.

(15)

Letter 85/66/49 dt. 28.7.49 from Residency, Bahrain.

9 I attach draft Reg.

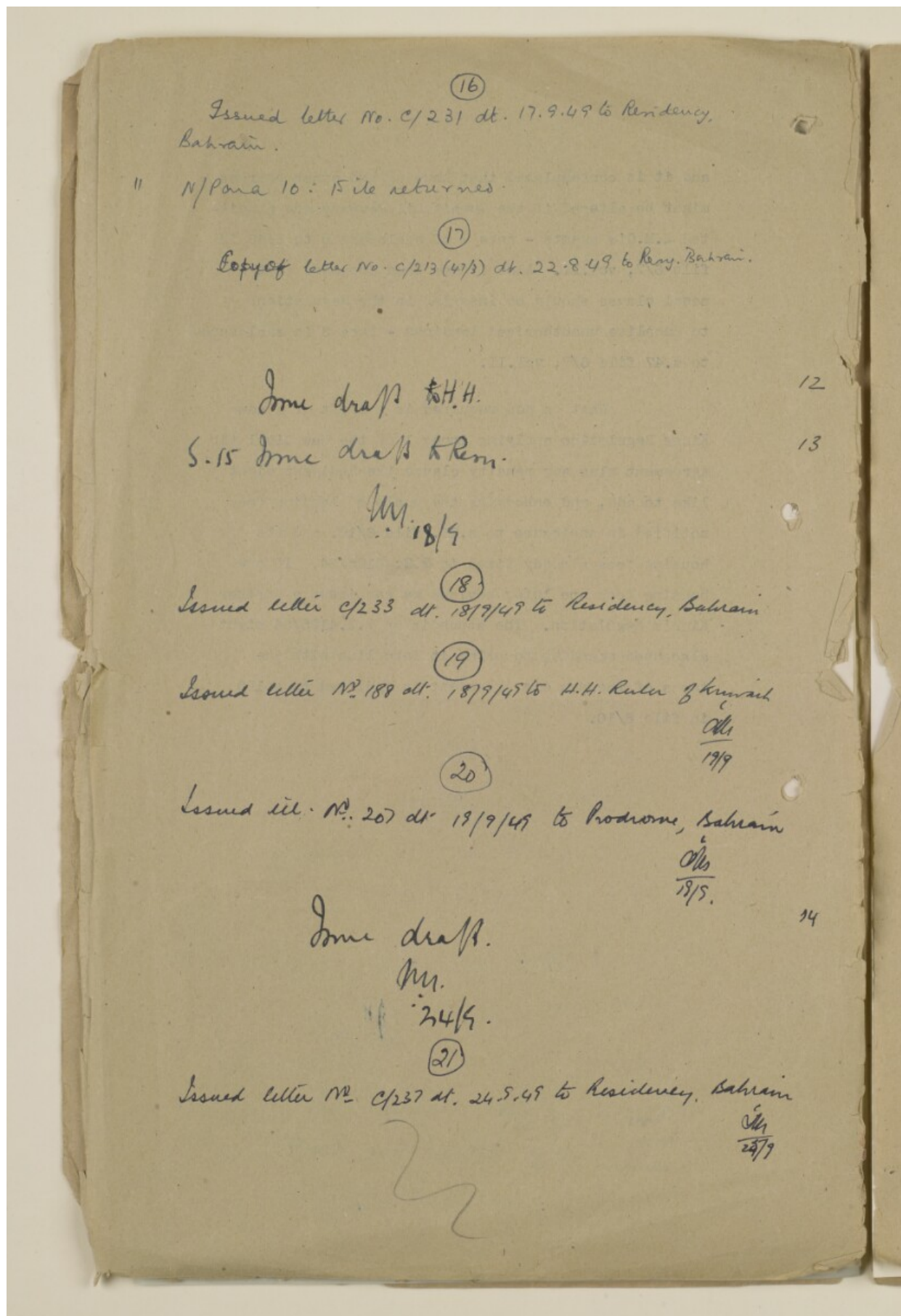
P.A.

[Signature]
20/8

[Signature]
4/8

10

*I enc draft of Bahrain file
action of S. Mr. Williams draft.
My. 21/7*





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118

7/1

(42)
S.O. No. 423/2/49 dated 28.9.49 from Resident, Bahrain

(23)
S.O. No. 86/67/49 dt. 6.11.49 from Res. Sect. Bham.

(24)
Letter dated 10.11.49 from this office -
(from S. 22)

Added
S. 22 & 23 file. ~~119~~
~~118~~

S. 24. Have discussed this
personally with the Sheikh who
has agreed to some parallel
legislation. Draft to Res. man now
mine.
Draft issued on file 7/1 - copy placed
on file 6/1 for record.

(25)
Recd S.O. No. C/255 dt. 19.11.49 to P.R. Bham.

(26)
S.O. No. 464/2/49 dt. 29.11.49 from Res. Secy, Bham.

(27)
C.S. No. 3251 - 29/10 dt. 7.12.49 from P.A. Bahrain



